



Combating Sexual Abuse of Participants in Youth Sports Organizations

**A Presentation to USA Track & Field by the Legislative
Drafting Institute for Child Protection**

January 2017

Part I: Best Practices Proposal

**LEGISLATIVE
DRAFTING
INSTITUTE
for CHILD
PROTECTION**





Introduction: Combating Sexual Abuse of Participants in Youth Sports Organizations

USA Track & Field (USATF) requested that the Legislative Drafting Institute for Child Protection (LDICP) conduct research on the problem of sexual predation in youth sports. USATF Chief Executive Officer Max Siegel and Chief Operating Officer Renee Washington had taken notice of recent cases of sexual abuse perpetrated by coaches and other adults involved in youth sports. To increase the safety of participants in USATF programs and events, CEO Siegel and COO Washington invited the LDICP to analyze its present procedures and suggest improvements. In addition, they asked the LDICP to analyze present laws and draft bills that USATF could promote to increase protection for all children engaging in youth sports nationwide,

In delivering the resulting reports and materials, the LDICP had three goals: 1) to analyze the legal issues concerning the sexual abuse of children in youth sports; 2) to identify best practices to combat sexual victimization of participants in USATF programs; and 3) to develop legislative proposals at the state and federal level that USATF can promote to better protect children nationwide from victimization by sexual predators in youth sports.

In this report, the LDICP offers a proposal for best practices. The report begins with information on sexual predators who target children. It then discusses why youth sports organizations present a particularly attractive way for child predators to gain access to children. The report then turns to the child protection goals evinced by USATF, which the LDICP used to guide its analysis. Finally, the report provides a plan for best practices which, once implemented, will enhance screening, detection, response, and positive outcomes for child protection in USATF programs and events.

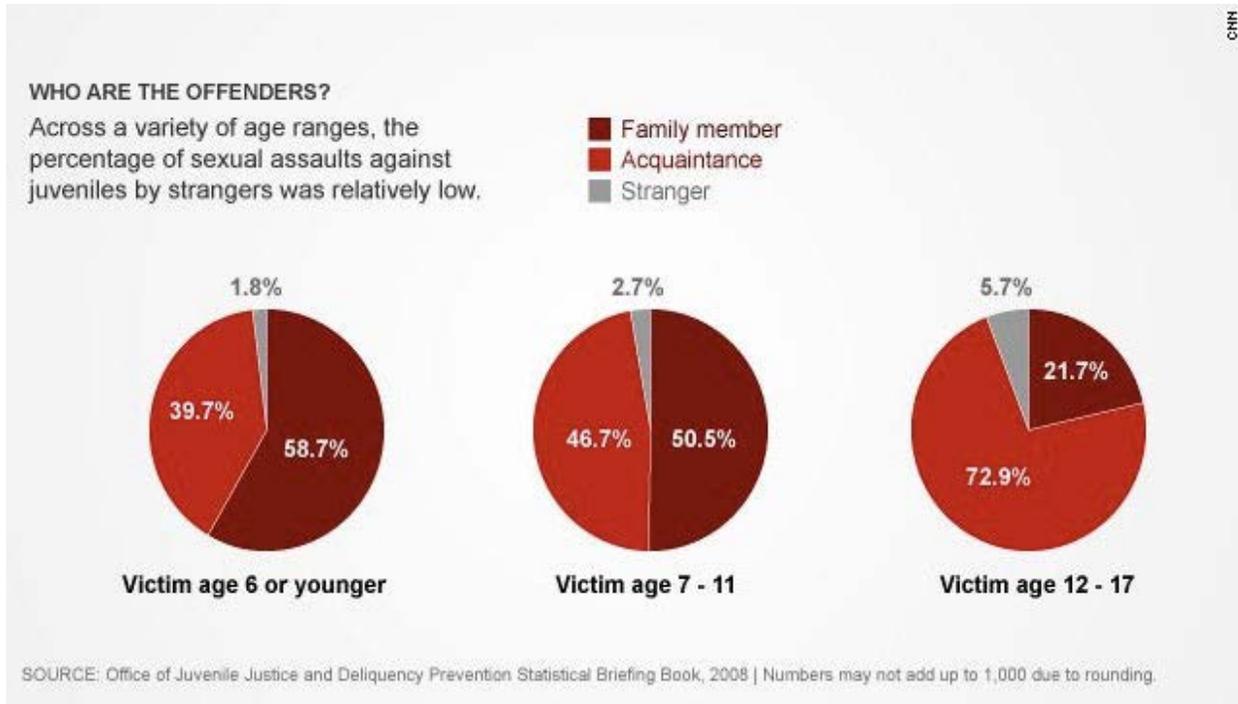
Background: Why Youth Sports Organizations present a target for child predators

Existing in every state and locality, youth sports organizations (YSOs) support area youth and promote healthy activity, athletic skills, social development, and community networking.

Unfortunately, YSOs also offer an attractive target for those who prey on children. The overwhelming majority of child sexual abuse is not committed by strangers. Most child sexual abuse takes place within the child's **Circle of Trust**, which is the group of adults who hold positions of trust and authority in the child's life.¹ The Circle of Trust starts with parents and relatives, and radiates outward to teachers, coaches, pastors, childcare providers, and so on.²

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For predators seeking to enter the child’s Circle of Trust, youth sports organizations offer an attractive situation. YSOs’ nurturing mission creates a positive, welcoming atmosphere that brings children to participate in large numbers. However, the haven that YSOs offer children is perceived by their predators as an excellent place to hunt.³

The organizational structure of YSO programs can be exploited by child predators to hide their actions. Activities in youth sports generally use a hierarchical system, with adults in positions of unquestionable authority. Age-segregated groups of participants are trained to follow directions precisely and immediately. In addition, participant travel to YSO events, even far from the child’s home, is common practice. Parents generally trust coaches and other adults working in YSOs, and may allow their children to travel unaccompanied to events without much scrutiny.⁴

Therefore, a predator who manages to become associated with a YSO, whether as an employee or a volunteer, can access an endless supply of prey and take advantage of continual opportunities to sexually victimize children.

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Predators will seek the most vulnerable in a group of children

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What creates that vulnerability? Predatory pedophiles spot the unbonded child. The child most at risk for victimization is the child not bonded deeply to anything or anybody.⁶

Child predators employ several tactics to enter the Circle of Trust

Predators enter a child's Circle of Trust access their victims by carefully gaining the confidence of the child's parents. The child's family is led to believe that the special attention the child receives is beneficial and empowering.

Once inside a child's Circle of Trust, predators commonly use several tactics to approach the victim. These include *camouflage*, initially executing in an exemplary manner the role the predator has taken inside the Circle of Trust, so as to gain the confidence of the victim; *grooming*, enticing the victim through special treatment over time, in order to lower the victim's defenses; and *institutional manipulation*, mastering organizational rules in order to exploit lapses, create opportunities to prey on the victim, and, later, to keep the victim helpless.

Public awareness of child predators within the Circle of Trust has grown

News reports of criminal arrests, trials, and civil suits resulting from cases of child sexual abuse have increased the public awareness of the issue over the past few decades. In particular, society has better access to the data that make clear that successful child predators access children through the Circle of Trust, rather than approaching them as strangers.

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Media reports of recent cases of child predators in sports organizations include: Second Mile founder and Penn State football coach Jerry Sandusky, convicted in 2012;⁷ Park Tudor high school basketball coach Kyle Cox, convicted in 2016;⁸ and USA Gymnastics club coaches James Bell, William McCabe, Mark Schiefelbein, and Marvin Sharp.⁹ Similar cases overseas include the scandal involving the United Kingdom's National Youth Soccer coach Barry Benell, reported in November 2016.¹⁰

Proposal: Instituting Best Practices to Enhance Child Protection in Youth Sports

The LDICP analyzed recent civil suits brought against USA Gymnastics (USAG) by victims of child sexual abuse whose claims stem from sexual assaults by USAG club coaches James Bell, William McCabe, Mark Schiefelbein, and Marvin Sharp.

The lawsuits implicate USAG's organizational response to reports of abuse of USAG participants. Although not yet concluded, the victims' claims, as reported in the press, underline the problems resulting from unclear or poorly-implemented procedures. With this lesson in mind, the LDICP developed the following goals for best practices.

1. First and foremost, affirming USATF's paramount goal of protecting participants from victimization by child predators
2. Creating procedures to minimize the ability of child predators to participate in USATF programs and events
3. Responding swiftly and effectively to reports of sexual abuse of USATF participants
4. Empowering USATF stakeholders to report sexual abuse
5. Promoting education and developing open communication on child abuse issues among all stakeholders, including employees, volunteers, participants and their parents, and affiliated youth sports organizations.

⁷ *Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky*, Freeh Sporkin & Sullivan, LLP (July 12, 2012).

⁸ *Ex-Park Tudor Coach Kyle Cox Sentenced to 14 Years*, Disis, J., Detroit Free Press (July 29, 2016).

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¹⁰ *Barry Bennell, Former Youth Coach, Faces Eight Counts of Sexual Abuse in England*, Smith, R. New York Times (November 30, 2016).



Best Practices: Restricting access to participants during USATF programs

USATF youth programs exist in all states and at all proficiency levels, and the organization holds many more events than can ever be directly run and staffed by USATF employees. Many local and regional events sanctioned by USATF are run by its volunteers and member club adults. This makes USATF’s existing rules regarding adult access to children extremely challenging to enforce. For example, at present it is difficult for USATF to ascertain the identities of all club adults working at a given local or regional event.¹¹

To better enable USATF oversight of its sanctioned events, the following proposals suggest best practices that include increased background checks, new event registration procedures, better methods for checking identification at events, clear disciplinary regimes for noncompliance, improved technological tools, enhanced communication with member clubs, strengthened education on issues of child protection, and clear information for all stakeholders on reporting sexual abuse.

Best Practices: Extending the background check requirement

At present, when a club applies to the USATF for membership, only the lead coach is required to undergo a background check.¹² To curtail predators’ opportunities to infiltrate its programs and events, USATF should extend its background check requirement to cover all adults in a club, whether employees or volunteers, who come into contact with the club’s children either during training or during USATF programs.¹³

This requirement would apply to all such “club adults,” including, but not limited to, coaches, trainers, assistants, and adults who attend the children to USATF programs on behalf of the club. It would not apply to adults who take no paid or volunteer role with the club and are present merely to accompany a specific participant; for example, parents who transport their own children to club training sessions or USATF events.

¹¹ Interview with Robin Brown-Beamon, Director of Outreach & Grassroots Programs, USA Track and Field, April 25, 2016.

¹² Interview with Renee Washington, Chief Operating Officer, USA Track and Field, April 25, 2016.

¹³ This single change in USATF requirements would put it at the forefront of ensuring child safety in non-profit organizations. *See, e.g.*: LDICP Legislative Survey of the United States and Its Territories: Background Check Laws (“LDICP State Background Check Laws”).



Best Practices: Issuing identification to club adults

USATF should issue sturdy identification (such as a lanyard license-style ID) to club adults who successfully pass the background check. The identification should include the adult's name, club, and current photograph.

Clubs should be required to notify USATF immediately of club adults whose affiliation with the club ends, so that USATF can invalidate the adult's identification in its database. The license ID should be collected and destroyed.

An adult who switches between member clubs should be treated as a new hire/ volunteer for the purpose of these requirements: the adult should be required to undergo a new background check and may not register for USATF events until successfully passing. After passing the background check, USATF should issue a new license ID.

Aside from the requirement to notify USATF immediately of disaffiliated adults, clubs also should be required to update a list of their ID-holding employees and volunteers on annual basis.

Clubs should be able to perform such updates online at the USATF website. To ensure compliance, USATF can limit a member club's access to its website such that the club must perform the list update in order to regain full access.

Best Practices: Registration of club adults attending USATF programs

USATF should require all club adults who plan to attend an event to register for it online. Further, event registration should be restricted only to club adults who already have successfully passed their USATF background checks. The online process should be constructed such that a person who has not passed the background check will be automatically identified as ineligible and the registration attempt automatically denied.

Best Practices: Identifying registered adults during USATF programs

Club adults who properly register for a USATF event should be issued a registration ticket, consisting of a sticker or card specific to the event that includes the registrant's name and club, to be attached to the lanyard along with the abovementioned license.

USATF should require the registered club adults to prominently display their lanyard license and event registration at all times during the event. For stakeholders, this will simplify the identification of any club adult at a USATF event.



Best Practices: Supporting stakeholder vigilance at USATF events

Requiring prior registration enables USATF to generate an official list of club adults who will be at an event. USATF should post the registration list online to allow stakeholders attending the event to immediately verify the identity and registration of all club adults.

Further, USATF should develop a mobile-phone application to enhance stakeholders' ability to report unregistered adults at an event. Such an app should include a feature allowing the user to make a report of abusive activity during the event by a club adult. The same app should include a feature allowing uploads of photographs or videos recorded at the event, to help document either possible violations of USATF registration requirements, or abusive activity.

Best Practices: Penalizing noncompliance with ID display requirements

USATF should ensure that all sanctioned events include staffers or volunteers whose role is to ensure that adults in the field/ locker areas are displaying proper ID and are registered for the event.

USATF should authorize and require those officiating at the event to eject adults in the field/ locker areas who are not displaying their lanyard ID and their event registration. If the adult is not affiliated with a club, the official should be authorized to report the adult to police.

If the adult is affiliated with a club, the official should inquire further to determine which of the following two sanctions is appropriate, and report the information to USATF:

- A. If a club adult in the field/ locker area fails to display ID or event registration, but has registered for the event, USATF should discipline the offending club by suspending the club from participating in USATF events for a substantial period, such as 3-6 months. The suspension period should begin immediately, not after the season ends or at the beginning of a new season.
- B. If a club adult in the field/ locker area has failed to register for the event, USATF should discipline the offending club by cancelling its membership. A club wishing to regain its membership should have to reapply and again submit its personnel to the background check requirement.

To ensure full compliance with the requirement to display ID and registration at events, USATF can institute a warning-only period, no longer than 6 months, before full enforcement of the above sanctions. During the warning-only period, USATF should engage in education and direct messaging to member clubs to ensure that the new requirements are fully communicated to all club adults. Thereafter, the new ID and event registration penalties should be enforced strictly, so as to avoid giving clubs an incentive to delay background checks for their personnel.



Best Practices: Responding swiftly and effectively to reports of sexual abuse

Upon receiving information of sexual abuse of a participant, USATF must report to police and/or state child protective services (CPS) immediately.

Prior to reporting to police/CPS, USATF should not conduct any internal inquiries about the information received. Such inquiries will delay USATF's report, and may hinder the police/CPS investigation.

After reporting to police/CPS, USATF should suspend or terminate the membership of a club that continues to allow the accused abuser to work or volunteer at the club while the case is under investigation.

Best Practices: Empowering all USATF stakeholders to report abuse

USATF should train its employees, volunteers, and member clubs on the individual legal duty to report sexual abuse to police/CPS directly.

Mandatory reporter laws require certain groups of adults who work with children to report any suspected child abuse to the police or CPS. Merely passing information up USATF's organizational chain does not fulfill the legal duty to report child abuse, a duty that states impose on individuals through mandatory reporter laws.¹⁴

Best Practices: Educating participants to recognize abuse

USATF has instituted the SafeSport program for its employees, staffers and member club coaches. In addition, USATF should ensure that its participants have the tools to report any dangers to themselves or to peers. USATF should establish and require regular, age-appropriate education for participants on issues of child abuse both generally and within YSOs.

Such education should include information on spotting predatory behavior, including camouflage, grooming, and institutional manipulation. Participants of every age should understand that USATF considers their safety of paramount importance, and that reporting abuse will not damage their relationship with USATF or hinder the achievement of their athletic goals.

¹⁴ See LDICP Legislative Survey of the United States and Its Territories: Mandatory Reporter Laws ("LDICP State Mandatory Reporter Laws").



Best Practices: Sharing information among USATF stakeholders

In addition to expanding the background check requirement, applicants should be required to consent to USATF sharing with its stakeholders any information relevant to child abuse or victimization uncovered by the background check. Contractual language in background check consent forms can be drafted explicitly to permit USATF to share such information with its stakeholders.

Implementing this proposal will significantly enhance screening, detection, and response to attempts by child predators to infiltrate its member clubs. This will, in turn, increase deterrence, as USATF programs and events become unavailable as targets. By setting this new standard of protection, USATF will cement its leadership among the nation's youth sports organization in the area of child protection.



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Part II: Legislative Proposals

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In this report, the LDICP offers proposals for state and federal legislative changes. The report begins with information on sexual predators who target children, and why youth sports organizations present a particularly attractive way for child predators to gain access to children. The report then discusses the issues around poor reporting of child sexual abuse in youth sports. Finally, the report presents model language for bills to enhance reportage of child abuse. Such legislation, once implemented will increase detection, response, and positive outcomes for child protection for children involved in youth sports nationwide.

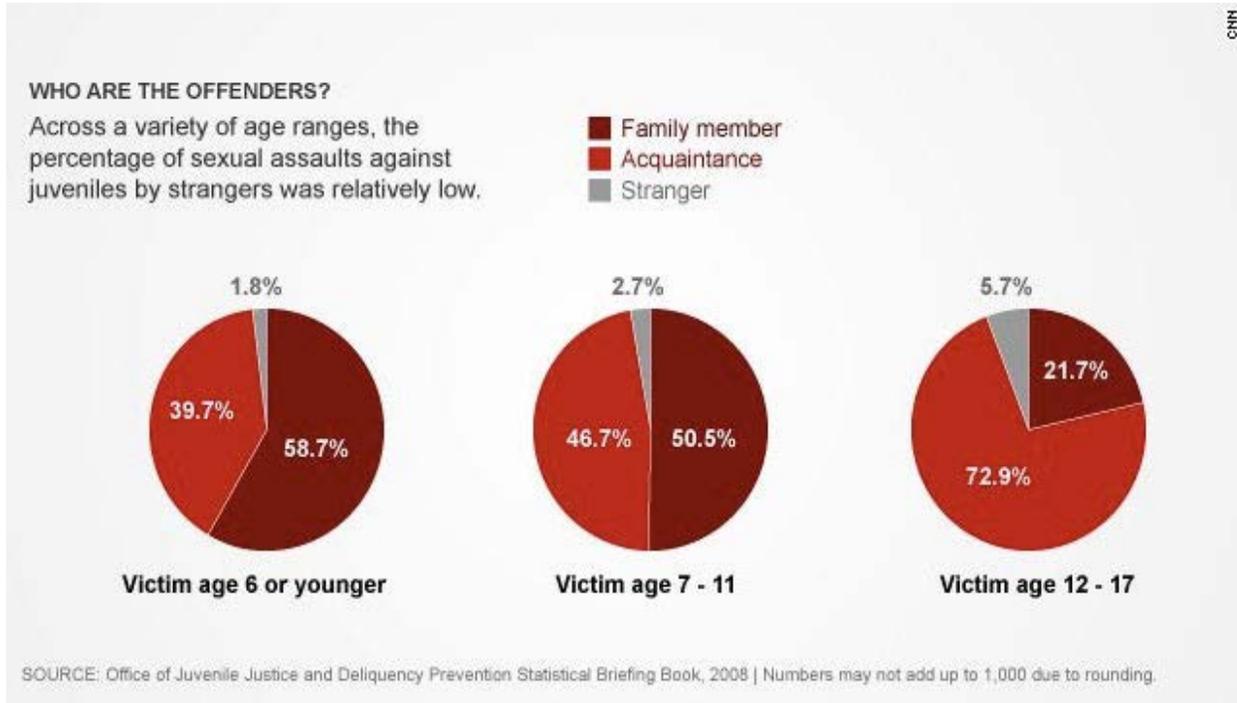
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Witnesses may not report child sexual abuse to police or child protective services

Notably, in the Sandusky and USAG cases¹¹ there were individuals who observed the perpetrators engaging in sexual activity with children. However, rather than reporting to the police or child protective services, these witnesses spoke to organizational superiors.

For example, in the Sandusky case, Mike McQueary, at the time an assistant Penn State coach, witnessed Jerry Sandusky abusing a child in an on-campus shower room.

McQueary testified that he called head coach Joe Paterno early the next morning and went to his house to tell him what he saw. ...

McQueary said that he talked to the university’s former athletic director Tim Curley and former vice president for business and finance Gary Schultz about the incident a week later and that he never went to the police because “In my mind Mr. Shultz represented the police, without a doubt.”¹²

Although states have passed laws establishing mandatory child abuse reporters, the definition varies; coaches are not included in every state.¹³ Even in states where coaches are included in the definition, they may nevertheless fail to do so. In some cases, they may be unaware of the law, which is poorly enforced and rarely carries any significant sanction for violation. In other cases, they may wrongly believe that reporting to organizational superiors, as McQueary did in the Sandusky case, discharges their duty under the mandatory reporter laws. Further, the organization itself may hinder the witness from making a report to police or child protective services.

⁹ *A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases*, Kwiatkowski, M. et al, Indianapolis Star (August 4, 2016).

¹⁰ *Barry Bennell, Former Youth Coach, Faces Eight Counts of Sexual Abuse in England*, Smith, R. New York Times (November 30, 2016).

¹¹ *Ex-gymnast speaks out about her sexual abuse*, Kwiatkowski, M. et al, Indianapolis Star (August 27, 2016).

¹² *Jerry Sandusky Trial: Mike McQueary testifies that he saw Sandusky and boy in shower at PSU*, Associated Press (June 12, 2012).

¹³ See LDICP Legislative Survey of the United States and Its Territories: Mandatory Reporter Laws (“LDICP State Mandatory Reporter Laws”).



Proposal: Changing Laws to Enhance Child Protection in Youth Sports

The LDICP's analysis of state and federal child abuse laws reveals several problems.

1. Some states do not include coaches within the definition of Circle of Trust, effectively reducing the available penalties.
2. Mandatory reporter laws vary across states, creating confusion about the duty to report.
3. Mandatory reporters who fail to report child abuse are rarely investigated; state law penalties are rarely enforced.

Legislative Proposal: Include coaches in state Circle of Trust enhancement laws

USATF should support increased penalties for child predators who use YSOs to enter a victim's Circle of Trust. Adding coaches, trainers, and YSO staffers (both paid and volunteer) to state Circle of Trust laws will effectively increase the penalty for abusing children who participate in youth sports.

The LDICP has drafted model state legislation that shows how a given state could achieve this end. The bill is specifically written for Indiana, as it is the state in which USATF is headquartered.¹⁴ Since each state's laws and legislative practices differ, those wishing to add coaches to the definition of those within the Circle of Trust in other states should refrain from copying the bill verbatim.

Legislative Proposal: Expand state mandatory reporter laws to include coaches

USATF should support expansion of state laws that require certain adults to report suspected child abuse. Adding coaches and other adults who work in YSOs to state mandatory reporter laws will help clarify the public policy establishing an individual duty to report child abuse to police/CPS. Further, increasing oversight and enforcement for failure to report will increase the effectiveness of child abuse investigations.

The LDICP has drafted model state legislation that shows how a given state could achieve this end.¹⁵ The bill is specifically written for Illinois, (Indiana law, where USATF is headquartered, already mandates that all those who have reason to believe that a child is a victim of child abuse or neglect shall make a report.) Since each state's laws and legislative practices differ, those wishing to add coaches to the definition of mandatory reporters in other states should refrain from copying the bill verbatim.

¹⁴ Appendix A: Model Bill to Add Coaches to Circle of Trust Laws: Indiana

¹⁵ Appendix B: Model Bill to Add Coaches to Mandatory Reporter Laws: Illinois



Legislative Proposal: Expand the federal mandatory reporter law

Federal law defines certain groups as mandatory reporters for suspected child abuse, including doctors, teachers, childcare workers and so on.¹⁶ It does not include coaches in its definition. Presently those included in the defined groups are mandated to report only if they work on Federal land or in a federally operated or federally contracted facility.¹⁷

The LDICP has drafted model federal legislation to include coaches in the defined groups required to report. The bill also expands the mandate to include those groups working in any facility, program, or organization that receives federal funds for any purpose.¹⁸

If passed, these changes will significantly increase the reach of the federal law. It will establish a definition of mandatory reporters that persists across state lines. Further, the federal penalty can act as a baseline for penalizing failure to report child abuse, as it will apply in many more cases, due to the widespread distribution of federal funds to many state programs and facilities.¹⁹

Conclusion

Implementing these legislative proposals will significantly enhance screening, detection, and response to child predators in youth sports organizations. This will, in turn, increase deterrence, as child predators grow less able to rely upon the silence of those who witness their crimes. By supporting these changes in law, USATF will cement its leadership among the nation's youth sports organization in the area of child protection.

¹⁶ 42 U.S. Code § 13031(a) – Child abuse reporting

¹⁷ *Id.*

¹⁸ *Appendix C: Model Bill to Expand the Federal Mandatory Reporter Law*

¹⁹ 18 U.S. Code § 2258 – Failure to report child abuse



**Digest
Senate Bill ____**

Citations affected: IC 35-41.

Synopsis: Child seduction. Provides that a coach of a child at least sixteen (16) years of age but less than eighteen (18) years of age who engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse commits child seduction.

Effective: July 1, 2017.

SENATE BILL No. ____

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-41-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Sec. 2.

- (a) As used in this section, “adoptive parent” has the meaning set forth in IC 31-9-2-6.
- (b) As used in this section, “adoptive grandparent” means the parent of an adoptive parent.
- (c) As used in this section, “charter school” has the meaning set forth in IC 20-18-2-2.5.
- (d) As used in this section, “child care worker” means a person who:
 - (1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;
 - (2) is employed by a:
 - (A) school corporation;
 - (B) charter school;
 - (C) nonpublic school; or
 - (D) special education cooperative;attended by a child who is the victim of a crime under this chapter; or



- (3) is:
- (A) affiliated with a:
 - (i) school corporation;
 - (ii) charter school;
 - (iii) nonpublic school; or
 - (iv) special education cooperative;attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
 - (B) in a position of trust in relation to a child who attends the school; or cooperative;
 - (C) engaged in the provision of care or supervision to a child who attends the school; or cooperative; and
 - (D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, “coach” means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a youth sports organization;

(2) is employed by a youth sports organization attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a youth sports organization attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who participates in the youth sports organization;

(C) engaged in the provision of care or supervision to a child who participates in the youth sports organization; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

(e) **(f)** As used in this section, “custodian” means any person who resides with a child and is responsible for the child's welfare.

(e) **(g)** As used in this section, “mental health professional” means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or

(3) a psychiatrist.



~~(g)~~ **(h)** As used in this section, “military recruiter” means a member of:

- (1) the United States Air Force;
- (2) the United States Army;
- (3) the United States Coast Guard;
- (4) the United States Marine Corps;
- (5) the United States Navy;
- (6) any reserve components of the military forces listed in subdivisions (1) through (5);
or
- (7) the Indiana National Guard;

whose primary job function, classification, or specialty is recruiting individuals to enlist with an entity listed in subdivisions (1) through (7).

~~(h)~~ **(i)** As used in this section, “nonpublic school” has the meaning set forth in IC 20-18-2-12.

~~(i)~~ **(j)** For purposes of this section, a person has a “professional relationship” with a child if:

- (1) the person:
 - (A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or
 - (B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and
- (2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision (1)(B).

~~(j)~~ **(k)** As used in this section, “school corporation” has the meaning set forth in IC 20-18-2-16.

~~(k)~~ **(l)** As used in this section, “special education cooperative” has the meaning set forth in IC 20-35-5-1.

~~(l)~~ **(m)** As used in this section, “stepparent” means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

~~(m)~~ **(n)** If a person who:



(1) is at least eighteen (18) years of age; and

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of;

or

(B) child care worker for; **or**

(C) coach of

a child at least sixteen (16) years of age but less than eighteen (18) years of age; engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction.

~~(n)~~ **(o)** A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person; commits child seduction.

~~(o)~~ **(p)** A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

~~(p)~~ **(q)** In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of the



child or the person under this section, the trier of fact may consider one (1) or more of the following:

- (1) The age difference between the person and the child.
- (2) Whether the person was in a position of trust with respect to the child.
- (3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.
- (4) The authority that the person had over the child.
- (5) Whether the person exploited any particular vulnerability of the child.
- (6) Any other evidence relevant to the person's ability to exert undue influence over the child.

~~(e)~~ **(r)** Child seduction under this section is:

- (1) a Level 6 felony if the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:
 - (A) the child; or
 - (B) the person or law enforcement officer; and
- (2) a Level 5 felony if the person or law enforcement officer engaged in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.



AN ACT concerning children.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatric physician, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel (including administrators and both certified and non-certified school employees), personnel of institutions of higher education, **coach (as defined in 720 ILCS 5/12-0.1)**, educational advocate assigned to a child pursuant to the School Code, member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required in accordance with other provisions of this Section expressly concerning the duty of school board members to report suspected child abuse), truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational or athletic program or facility personnel, early intervention provider as defined in the Early Intervention Services System Act, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Department of Healthcare and Family Services, Juvenile Justice, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, animal control officer or Illinois Department of Agriculture Bureau of Animal Health and Welfare field investigator, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any



office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives having reasonable cause to believe a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Notwithstanding any other provision of this Act, if an employee of a school district has made a report or caused a report to be made to the Department under this Act involving the conduct of a current or former employee of the school district and a request is made by another school district for the provision of information concerning the job performance or qualifications of the current or former employee because he or she is an applicant for employment with the requesting school district, the general superintendent of the school district to which the request is being made must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department, as required under this Act. Only the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department may be disclosed by the general superintendent of the school district to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the general superintendent have not been informed by the Department that the allegations were unfounded. An employee of a school district who is or has been the subject of a report made pursuant to this Act during his or her employment with the school district must be informed by that school district that if he or she applies for employment with another school district, the general superintendent of the former school district, upon the request of the school district to which the employee applies, shall notify that requesting school district that the employee is or was the subject of such a report.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse



or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.

The reporting requirements of this Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

Any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child. In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

Within one year of initial employment and at least every 5 years thereafter, school personnel required to report child abuse as provided under this Section must complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be



considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

Nothing in this Act prohibits a mandated reporter who reasonably believes that an animal is being abused or neglected in violation of the Humane Care for Animals Act from reporting animal abuse or neglect to the Department of Agriculture's Bureau of Animal Health and Welfare.

A home rule unit may not regulate the reporting of child abuse or neglect in a manner inconsistent with the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

For purposes of this Section "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.

(Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214, eff. 8-9-13; 98-408, eff. 7-1-14; 98-756, eff. 7-16-14.)

Section 99. Effective date. This Act takes effect July 1, 2017.



An Act

To protect children from sexual exploitation and to prevent child abuse

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title.--This Act may be cited as the “Child Protection and Safety Act of 2017”.
- (b) Table of Contents.--The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Child abuse reporting
- Sec. 3. Failure to report child abuse

SEC. 2. CHILD ABUSE REPORTING.

- (a) Section 13031(a) of title 42, United States Code, is amended by striking “on Federal land or in a federally operated (or contracted) facility” and inserting “on Federal land, in a federally operated (or contracted) facility, or in a facility, program, or organization that receives Federal funds for any purpose”.
- (b) Section 13031(b)(4) of title 42, United States Code, is amended by striking “school officials, and school administrators” and inserting “school officials, school administrators and coaches”.
- (c) Section 13031(d) of title 42, United States Code, is amended by striking “For all Federal lands and all federally operated (or contracted) facilities” and inserting “For all Federal lands, all federally operated (or contracted) facilities, and all facilities, programs, or organizations that receives Federal funds for any purpose”.
- (d) Section 13031(e) of title 42, United States Code, is amended by striking “In every federally operated (or contracted) facility, and on all Federal lands” and inserting “In every federally operated (or contracted) facility, in every facility, program, or organization that receives Federal funds for any purpose, and on all Federal lands”.
- (e) Section 13031(h) of title 42, United States Code, is amended by striking “on Federal lands, or are employed in federally operated (or contracted) facilities” and inserting “on Federal lands, are employed in a federally operated (or contracted) facility, or are employed in a facility, program, or organization that receives Federal funds for any purpose”.

SEC. 3. FAILURE TO REPORT CHILD ABUSE

Section 2258 of title 18, United States Code, is amended by striking “on Federal land or in a federally operated (or contracted) facility” and inserting “on Federal land, in a federally operated (or contracted) facility, or in a facility, program, or organization that receives Federal funds for any purpose”.

Combating Sexual Abuse of Participants in Youth Sports

*Prepared on Behalf of the
USA Track & Field (USATF)*

Youth Sports Organizations (YSOs)

Existing in every state and locality, YSOs support area youth and promote:

- Healthy activity
- Athletic skills
- Social development
- Community networking
- Positive values

Unfortunately, YSOs are a Target for Child Predators

Youth sports organizations offer an inviting situation for those who seek opportunities to victimize children.

Sports training often utilizes a hierarchical power structure, with adults in positions of authority, and participants expected to follow directions precisely and without question.

Predatory Pedophiles Will Seek the Most Vulnerable in a Group of Children

“I've actually stood with predatory pedophiles outside one-way glass in a daycare center while they picked out which kids were most vulnerable as targets. No conversation with the kid; they just picked the vulnerable ones out by watching their interaction with other kids.”

- *Andrew Vachss*

The Nurturing Mission of YSOs Attracts Predators

“What creates that vulnerability? Predatory pedophiles spot the unbonded child. The child most at risk for victimization is the child not bonded deeply to anything or anybody.”

- *Andrew Vachss*

Predators Will Seek to Enter a Child's Circle of Trust

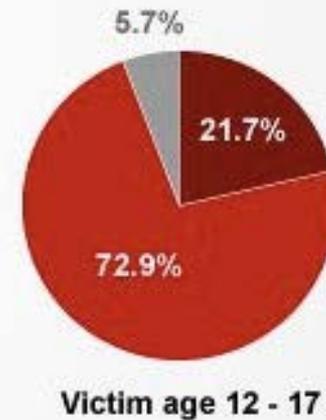
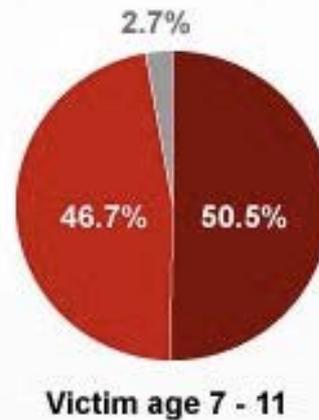
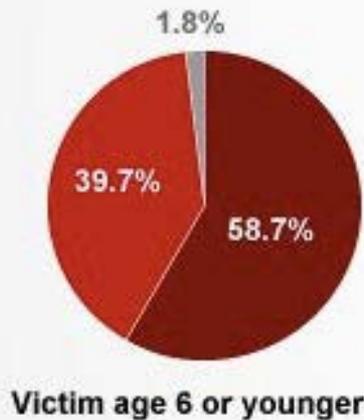
The overwhelming majority of child sexual abuse is not committed by strangers. Most child sexual abuse takes place within the child's **Circle of Trust**, starting with parents and radiating outward to teachers, coaches, pastors, daycare workers, etc.

Most child predators are not strangers, but within the Circle of Trust

WHO ARE THE OFFENDERS?

Across a variety of age ranges, the percentage of sexual assaults against juveniles by strangers was relatively low.

- Family member
- Acquaintance
- Stranger



SOURCE: Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, 2008 | Numbers may not add up to 1,000 due to rounding.

YSOs Constitute a Way for Child Predators to Enter the Circle of Trust

Predators who have entered a child's Circle of Trust access their victims through a process of entrustment by parents/guardians, who look upon the interaction as providing a special experience for their children.

Predators may focus on physical, emotional, or sexual abuse, or any combination of abuse.

Tactics Used by Child Predators

Once inside a child's Circle of Trust, predators commonly use several tactics to approach the victim, including:

- ***Camouflage***: initially acting in an exemplary manner in the role the predator has taken inside the Circle of Trust
- ***Grooming***: enticing the victim through special treatment over time, in order to lower the victim's defenses
- ***Institutional Manipulation***: mastering organizational rules in order to exploit lapses and create opportunities to prey on the victim, and later to keep the victim helpless.

YSO Events Can be Exploited by Child Predators

- YSO participants are not always accompanied to events by parents/guardians.
- Unchaperoned travel to YSO events, even far from the child's home, is common practice.
- Parents trust coaches and other adults in a YSO and will allow children to interact and travel to events without much scrutiny.

Growing Public Awareness of Child Predators in the Youth Sports Context

Recent cases of child predators who accessed victims through youth sports include:

International: UK national youth soccer coach Barry Benell, November 2016

US: Second Mile founder/Penn State coach Jerry Sandusky, 2012 (YSO coach)

Park Tudor coach Kyle Cox, 2015 (school coach)

YSO coaches James Bell, Marvin Sharp, Mark Schiefelbein, William McCabe, 2013 (USAG clubs)

Protecting USATF Participants from Child Predators

A Proposal for Best Practices

LEGISLATIVE
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PROTECTION



Developing Goals for Best Practices

The LDICP performed a close analysis of recent child sexual abuse cases involving USA Gymnastics (USAG) club coaches James Bell, Sharp, Mark Schiefelbein, and William McCabe.

The resulting civil suits implicating USAG's organizational response underline the problems resulting from poor procedures. With this lesson in mind, the LDICP developed the following goals for best practices.

Goals for Best Practices

- First and foremost, affirming USATF's paramount goal of protecting participants from victimization by child predators.
- Creating procedures to minimize the ability of child predators to participate in USATF programs and events.
- Responding swiftly and effectively to reports of sexual abuse of USATF participants.

(continued)

Goals for Best Practices

- Empowering USATF shareholders to report sexual abuse to police directly
- Promoting education on child abuse issues and developing open communication among all shareholders, including:
 - Employees
 - Volunteers
 - Participants
 - Parents/Guardians
 - Affiliated organizations

Best Practices: Extending the Background Check Requirement

To curtail predators' opportunities to participate in programs and events, USATF should extend its background check requirement. Presently, when a club applies to the USATF, only the lead coach undergoes a background check . **Every adult who will come into contact with the club's children either during training or during programs should be required to undergo a background check.**

Best Practices: Restricting Adult Access to Participants During USATF Programs

To further reduce the ability of predators to engage with children at USATF programs, **USATF should restrict field and locker area access for a club's adults only to those who have been registered for such access prior to the event. USATF should further require that registration will only be permitted for club adults who already have successfully passed a USATF background check.**

Best Practices: Identifying Unregistered Club Adults During USATF Programs

USATF should issue identification (such as a lanyard license) to club adults who successfully register for a USATF event. The identification must be displayed during the event. This will simplify the identification of an unregistered adult. **If an unregistered club adult violates the restrictions on field and locker area access, USATF should immediately discipline the offending club by suspending its membership.**

Best Practices: Supporting Stakeholder Vigilance at USATF events

Requiring prior registration enables USATF to generate an official list of club adults who may access the field and locker area at an event.

USATF should post the registration list online to allow stakeholders attending the event to immediately verify that all club adults present have been registered. Further, USATF should develop a mobile app to enhance stakeholders' ability to report unregistered adults at an event.

Best Practices: Responding Swiftly and Effectively to Reports of Sexual Abuse

Upon receiving information of sexual abuse of a participant, USATF must report to police and/or state child protective services (CPS) immediately.

Prior to reporting to police/CPS, USATF should not conduct a separate investigation, as doing so will delay USATF's report, and may hinder the investigation conducted by police/CPS.

Best Practices: Empowering USATF Shareholders to Report Sexual Abuse

USATF should train its employees, volunteers, and member clubs on the individual legal duty to report sexual abuse to police/CPS directly.

Merely passing information up USATF's organizational chain does not fulfill the legal duty to report child abuse, a duty that states impose on individuals through mandatory reporter laws.

Best Practices: Empowering USATF Participants to Report Sexual Abuse

USATF should establish and require regular, age-appropriate education for participants on issues of child abuse both generally and within YSOs.

Such education should include information on spotting predatory behavior, including camouflage, grooming, and institutional manipulation.

Best Practices: Sharing Information Among USATF Stakeholders

In addition to expanding the background check requirement, applicants should be required to consent to USATF sharing with its stakeholders any information relevant to child abuse or victimization uncovered by the background check.

Combating Sexual Abuse of Participants in Youth Sports

A Proposal for Legislative Change

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Laws Concerning Child Sexual Abuse in the YSO Context

The LDICP performed comprehensive research on present laws impacting cases where children are abused while participating in YSOs. The LDICP produced 50-state surveys of:

- Background Check laws
- Circle of Trust laws
- Mandatory Child Abuse Reporter laws

Findings from LDICP's Analysis of Child Abuse Laws

The LDICP's analysis of state and federal child abuse laws reveals several problems:

- Some states do not include coaches within the definition of Circle of Trust, effectively reducing the available penalties.
- Mandatory reporter laws vary across states, creating confusion about the duty to report.
- Mandatory reporters who fail to report child abuse are rarely investigated or penalized.

Legislative Proposal: Include Coaches in Circle of Trust Enhancement Laws

USATF should support increased penalties for predatory pedophiles who use YSOs to enter a victim's Circle of Trust. At present, many states do not include coaches within the definition of Circle of Trust predators.

Adding coaches, trainers, and YSO staffers (both paid and volunteer) to the Circle of Trust laws will effectively increase the penalty for abusing children who participate in youth sports.

Legislative Proposal: Expand Mandatory Reporter Laws

USATF should support expansion of state laws that require certain adults to report suspected child abuse. The definition of mandatory reporters varies widely across states.

State laws requiring all adults who work in YSOs to report child abuse to police/CPS will clarify public policy. Further, increasing oversight and penalties for failure to report will increase the effectiveness of child abuse investigations.

Legislative Proposal: Increase Sanctions for Failure to Report Abuse

USATF should support increased sanctions for failure to report abuse. At present, enforcement of mandatory reporter laws by the states is poor; sanctions are rare.

Creating federal legislation that penalizes failure by individuals or organizations to report child abuse will bring increased resources to mandatory reporter oversight. Penalties should include exposure to civil liability.

Changing Laws for Lasting Change

“Predatory pedophiles study children as carefully as any psychologist, and their camouflage is our unwillingness to see them. To protect our children, the answer is simple: raise the stakes. We must increase the incarceration of offenders, and we must develop tools to support effective abuse investigations.

“Some predatory pedophiles will be deterred, and children will be spared. Some will not, and the enhanced penalties will keep them away from victims for much longer periods of time. Either way, we will benefit.”

- *Andrew Vachss*

Introduction: Analyzing State Laws That Impact Child Sexual Abuse in Youth Sports

In researching legal issues concerning the sexual abuse of children in youth sports, the LDICP prepared three legislative surveys covering the fifty states and U.S. territories.

LDICP Legislative Surveys of the United States and Its Territories

- Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State
- Employee and Volunteer Background Checks for Those Working with Children: Laws by State
- Mandatory Reporting of Child Abuse: Laws by State

These legislative surveys have been posted on the LDICP website. In making use of these materials, researchers should take note of the following constraints:

Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State

This survey reviews state laws that enhance penalties for child sexual abuse perpetrators who hold a position of authority or position of trust as to the child victim. (Such perpetrators are said to be “within the child’s Circle of Trust.”¹)

- 1) This survey covers only sexual crimes against children. It does not cover other child abuse crimes such as physical or emotional abuse.
- 2) In some states, the law cited constitutes a penalty enhancement for an underlying crime, such as “Child Sexual Abuse.” In other states, the law cited constitutes a separately chargeable crime.
- 3) The penalties listed for each state are the maximums. The specific penalty in a given case is decided at sentencing.
- 4) Each state establishes its own minimum penalty for conviction under its Circle of Trust law. In some states, conviction under the Circle of Trust law may render the offender eligible for probation; in such cases, conviction under the law may result in no incarceration.

Employee and Volunteer Background Checks for Those Working with Children: Laws by State

This survey reviews state laws that require organizations working with children to conduct background checks on potential employees and volunteers. It does not cover background check laws affecting those who do not work with children.

Mandatory Reporting of Child Abuse: Laws by State

This survey reviews state laws that require individuals in certain professions to report suspected child abuse to police or child protective services. It includes information regarding immunity from liability for good-faith reporting, as well as penalties for mandatory reporters who fail to report to police or child protective services.

¹ The term “Circle of Trust” was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Alabama	Code of Ala. § 13A-6-81 Code of Ala. § 13A-6-82 Code of Ala § 13A-6-82.1	Code of Ala. § 13A-6-80	"School employee" includes coach; school administrator; teacher, including student teacher; and adult volunteer in a position of authority. It also includes a safety or resource officer or any other school employee who has contact with a student in his or her official capacity as a school employee.	Code of Ala. § 13A-6-81: Felony. Imprisonment for not less than 2 years and not more than 20. Code of Ala. § 13A-6-82: Misdemeanor. Imprisonment for not more than one year. Code of Ala § 13A-6-82.1: Misdemeanor. Imprisonment for not more than one year.
Alaska	Alaska Stat. § 11.41.434 Alaska Stat. § 11.41.436 Alaska Stat. § 11.41.440	Alaska Stat. § 11.41.470(3), (5)	"Position of authority" includes a coach; school administrator; or teacher. It also includes a babysitter; counselor; doctor; employer; guardian ad litem; nurse; psychologist; religious leader; scout leader; youth leader; or a police officer or probation officer other than when the officer is exercising custodial control over a minor. "Legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Health and Social Services.	Alaska Stat. § 11.41.434: Felony. Imprisonment for a term of years. Alaska Stat. § 11.41.436: Felony. Imprisonment not to exceed 10 years. Alaska Stat. § 11.41.440: Misdemeanor. Imprisonment not to exceed one year.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
American Samoa	None found. <i>Note:</i> In American Samoa, they rely on Am. Samoa Code Ann. § 46.3810: Endangering a Child, to charge those that violate their position of trust. However, this statute refers to when an adult person causes a child to engage in conduct which causes a substantial risk to the life, body, or health of the child.	None found	n/a	n/a
Arizona	Ariz. Rev. Stat. § 13-1405	Ariz. Rev. Stat. § 13-1401	“Position of trust” includes a coach or instructor and teacher. It also includes a clergyperson or priest; a parent or legal guardian; and any person in a sexual or romantic relationship with the minor's parent or legal guardian.	Ariz. Rev. Stat. § 13-1405: Felony if the victim is under 15 years of age. Imprisonment of not less than 10 years. Felony if the victim is at least 15 years of age. Imprisonment for a minimum of 6 months and a maximum of 1 1/2 years. Felony if the victim is at least 15 years of age and the defendant was in a position of trust. Imprisonment for a minimum of 4 years and a maximum of 10.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Arkansas	Ark. Code Ann. § 5-14-110	None found.	The following persons can violate Ark. Code Ann. § 5-14-110 based on their actions and relationship with the minor: "a person in a position of trust" and a teacher. Additionally, the following persons can violate the statute based on their actions and relationship with the minor: any employees of the minor's school district; employees of the Department of Corrections, Department of Community Corrections, city or county jail, or any juvenile detention facility when the minor is in custody of the facility or agency; parents or legal guardians; and temporary caretakers.	Ark. Code Ann. § 5-14-110: Felony. Imprisonment not to exceed 6 years.
California	None found	None found		n/a

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Colorado	Colo. Rev. Stat. § 18-3-405.3	<p>"Position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.</p> <p>Colo. Rev. Stat. § 18-3-401.</p>	<p>"Position of trust" includes, parent, acting parent, guardian, someone responsible for education of a child, etc.</p> <p>Colo. Rev. Stat. § 18-3-401.</p>	<p>Colo. Rev. Stat. § 18-3-405.3: Felony if the victim is less than 15 years of age or there is a pattern of sexual abuse. Imprisonment for not less than 3 years and not more than 12. Felony if the victim is 15 years of age or older but less than 19. Imprisonment for not less than 2 years and not more than 6.</p>

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Connecticut	Conn. Gen. Stat. § 53a-71	None found.	The following persons can violate Conn. Gen. Stat. § 53a-71 based on their actions and their relationship with the minor: coaches and instructors; and school employees, including administrators and teachers. Additionally, the following persons can violate the statute based on their actions and relationship with the minor: parents, guardians, or custodians; any persons with supervisory or disciplinary authority over the minor when the minor is in custody or detained in a hospital or other institution; and health care professionals, including the minor's psychotherapist.	Conn. Gen. Stat. § 53a-71: Felony. Imprisonment for not less than one year and not more than 10. Felony if the victim is under 16 years of age. Imprisonment for not less than one year and not more than 20.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Delaware	Del. Code Ann. tit. 11, § 778	Del. Code Ann. tit. 11, § 761	"Position of trust, authority, or supervision over a child" includes a coach, teacher, or volunteer. It also includes the following similar positions: advisor, counselor, mentor or any other person providing instruction or educational services to a child. And, it includes the following persons: parents, guardians, and custodians; babysitters and other child care providers and aides; health professionals, including counselors; clergy members and pastoral counselors; and law enforcement officers.	Del. Code Ann. tit. 11, § 778: Felony. Imprisonment for not less than 15 years. Felony when the defendant inflicts serious physical injury; intentionally causes disfigurement or disability; commits acts against three or more victims; or has previously been convicted for sexual abuse of a child. Imprisonment for life without the benefit of probation.
Florida	Fla. Stat. § 775.0862	Fla. Stat. § 775.0862	"Authority figure" includes any person 18 years of age or older who is employed by, volunteering at, or under contract with a school.	Fla. Stat. § 775.082. The punishment shall conform to the following: Life Felony: Term of imprisonment for life, or 40 years; 1st Degree: Term not exceeding 30 yrs 2nd Degree: Term not exceeded 15 years

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Georgia	Ga. Code Ann. § 16-6-5.1	Ga. Code Ann. § 16-6-5.1(b)	"A person who has supervisory or disciplinary authority over another" includes a school administrator and teacher. It also includes employees of community supervision offices; probation officers; employees of law enforcement agencies and correctional, detention, or child welfare facilities; employees of hospitals if the minor is a patient at or being detained in that hospital; and psychotherapists.	Ga. Code Ann. § 16-6-5.1: Felony. Imprisonment for not less than one year and not more than 25. Felony when the victim is under the age of 16. Imprisonment for not less than 25 years and not more than 50.
Guam	Guam Code Ann. tit. 9, § 25.15 Guam Code Ann. tit. 9, § 25.20	None found	The Guam Criminal Code does not define " <i>position of authority,</i> " but it uses that term to identify a specific violator of Guam Code Ann. tit. 9, §§ 25.15, 25.20.	Guam Code Ann. tit. 9, § 25.15: Felony. Imprisonment for no less than 15 years. Guam Code Ann. tit. 9, § 25.20: Felony. Imprisonment for no less than 15 years.
Hawaii	Haw. Rev. Stat. § 707-731 Haw. Rev. Stat. § 707-732.	None found	The following persons can violate Haw. Rev. Stat. § 707-731, 732 based on their actions relationship with the minor: public and private correctional facility employees and service providers; residential service providers; and law enforcement officers.	Haw. Rev. Stat. § 707-731: Felony. Imprisonment not to exceed 10 years. Haw. Rev. Stat. § 707-732: Felony. Imprisonment not to exceed 5 years.
Idaho	None found	None found	n/a	n/a

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Illinois	720 Ill. Comp. Stat. 5/11-1.20	None found	720 Ill. Comp. Stat 5/11-1.20 does not define " <i>position of trust</i> ," but it uses that term to identify a specific violator of the statute: "holds a position of trust, authority, or supervision in relation to the victim."	720 Ill. Comp. Stat. 5/11-1.20: Felony. Imprisonment for not less than 4 years and not more than 15.
Indiana	Ind. Code § 35-42-4-7	Ind. Code § 35-42-4-7	"Child care worker" includes those persons in a " <i>position of trust</i> " and school employees. It also includes shelter care employees.	Ind. Code § 35-42-4-7: Felony if the defendant engaged in fondling or touching. Imprisonment for not less than six months and not more than 2 1/2 years. Felony if the defendant engaged in sexual intercourse. Imprisonment for not less than one year and not more than 6.
Iowa	Iowa Code § 709.4(3)(c)	None found	Iowa Code § 709.4(3)(c) does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of the statute: "person is in a position of authority over the other person and uses that authority to coerce the other person to submit."	Iowa Code § 709.4: Felony. Imprisonment not to exceed 10 years.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Kansas	Kan. Stat. Ann. § 21-5512(a)(9)	Kan. Stat. Ann. § 21-5512(9)	<p>"Teacher" includes a coach, school administrator, teachers, supervisors, and other professional employees in a public or private school. Kan. Stat. Ann. § 21-5512(9) does not define <i>"position of authority,"</i> but it uses that term to identify a specific violator of the statute. It also identifies the following as possible violators of the statute: employees, contractors, and volunteers from the department of corrections, juvenile detention facilities, jails, and correctional facilities; parole officers; employees of the Kansas department for aging and disability services; employees, volunteers, and persons in positions of authority in family foster homes; county service officers or employees.</p>	Kan. Stat. Ann. § 21-5512(9); Kan. Stat. Ann. § 21-6804(f). Severity level 5, person felony. Imprisonment for a range of 50-55 months. See grid at Kan. Stat. Ann. § 21-6804.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Kentucky	Ky. Rev. Stat. Ann. § 510.110	Ky. Rev. Stat. Ann. § 532.045	<p>"Position of authority" includes coach, school employee, teacher, and adult volunteer. It also includes the following related positions: adult youth leader; adult athletic manager; counselor; and recreation staff. It also includes a parent, relative, or household member; staff or volunteer for a residential treatment facility, detention facility, or youth services organization; religious leader; health care provided; or employer.</p> <p>"Position of special trust" is "a position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor."</p>	Ky. Rev. Stat. Ann. § 510.110: Felony. Imprisonment not to exceed 5 years. Felony if the victim is less than 12 years of age. Imprisonment for at least 5 years and not more than 10.
Louisiana	La. Rev. Stat. Ann. § 14:81.4	La. Rev. Stat. Ann. § 14:81.4	"Educator" includes a coach, school administrator, teacher, instructor, paraprofessional, student aide, and teacher's aide.	La. Rev. Stat. Ann. § 14:81.4: Misdemeanor. Imprisonment for not more than six months.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Maine	Me. Rev. Stat. Ann. tit.17-A, § 253(2)	None found	The following persons can violate Me. Rev. Stat. tit. 17-A, § 253 based on their actions and relationship with the minor: teachers, school employees and officials who have instructional, supervisory, or disciplinary authority over the minor.	Me. Rev. Stat. Ann. tit.17-A, § 253(2): Felony. Imprisonment not to exceed 5 years.
Maryland	Md. Code Ann., Crim. Law § 3-308	Md. Code Ann., Crim. Law § 3-308	"Person in a position of authority" includes a coach; school administrator (principal or vice principal); and teacher. It also includes persons employed by schools who exercise supervision over a minor and school counselors.	Md. Code Ann., Crim. Law § 3-308. Misdemeanor. Imprisonment not to exceed one year.
Massachusetts	Although no statute exists regarding abuse of children when violator is in a position of trust, Commonwealth v. Malave, 2015 Mass. App. Unpub. LEXIS 467 (Mass. App. Ct. 2015) explains that whether the offender was in a position of trust is a factor in determining whether a child's report of abuse was considered reasonably prompt.	n/a	n/a	n/a

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Michigan	Mich. Comp. Laws § 750.520b(1)(b)	None found.	Mich. Comp. Laws § 750.520b(1)(b) does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of the statute: "actor is in a position of authority over the victim and used this authority to coerce the victim to submit." Additionally, the following persons may violate Mich. Comp. Laws § 750.520b(1)(b) based on their relationship with the minor: school administrators and teachers; employees or contractual service providers of a school or school district; employees, contractual service providers, and volunteers of child care organizations, foster family homes, or foster family group homes; and members of the same household or relatives.	Mich. Comp. Laws § 750.520: Felony. Imprisonment for life or for any term of years. If the actors is 17 years of age or older and the victim is less than 13 years, imprisonment for not less than 25 years.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Minnesota	Minn. Stat. § 609.342	Minn. Stat. § 609.341	"Position of authority" includes "any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act."	Minn. Stat. § 609.342(2): Felony. Imprisonment not to exceed 30 years.
Mississippi	Miss. Code Ann. § 97-5-23(2)	Miss. Code. Ann. § 97-5-23(2)	"Position of trust or authority" includes a coach and teacher. It also includes a child's counselor, chiropractor, physical therapist, physician, psychiatrist, psychologist, minister, priest, scout leader, and parent, guardian, aunt, or uncle.	Miss. Code Ann. § 97-5-23(2): Felony. Imprisonment for not less than two years and not more than 15.
Missouri	Mo. Rev. Stat. § 566.086	None found	The following persons can violate Mo. Rev. Stat. § 566.086 based on their actions and relationship with the minor: teachers; school employees and volunteers; public school district officials; and school contractors and its employees.	Mo. Rev. Stat. § 566.086: Felony. Imprisonment not to exceed four years. Note: Starting in January 2017, the offense of sexual contact with a student will be a class E felony instead of a class D. At the same time, the classes of felonies are changing, so the punishment will remain 4 years.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Montana	Mont. Code Ann. § 45-5-502	Mont. Code Ann. § 45-5-501	"Supervising authority" includes a court or the department of corrections.	<p>Mont. Code Ann. § 45-5-502: Misdemeanor for first conviction. Imprisonment not to exceed 6 months.</p> <p>Misdemeanor for second conviction. Imprisonment not to exceed 1 year.</p> <p>Felony if the victim is less than 16 years and the offender is 3 or more years older or the offender inflicts bodily injury. Imprisonment for not less than 4 years and may be fined not more than \$ 50,000.Mont. Code Ann. § 45-5-502 (LexisNexis, Lexis Advance through the latest session (2015))</p>
Nebraska	None found	None found	n/a	N/a
Nevada	Nev. Rev. Stat. § 201.540 Nev. Rev. Stat. § 201.550	Nev. Rev. Stat. § 201.550	<p>The following persons can violate Nev. Rev. Stat. § 201.540 based on their actions and relationship with the minor: employees and volunteers of public or private schools.</p> <p>Under Nev. Rev. Stat. Ann. § 201.550, "position of authority" of a college or university includes a coach; a school administrator; or a teacher, instructor, or professor.</p>	<p>Nev. Rev. Stat. § 201.540: Felony. Imprisonment for not less than one year and not more than 5.</p> <p>Nev. Rev. Stat. § 201.550: Felony. Imprisonment for not less than one year and not more than 5.</p>

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
New Hampshire	N.H. Rev. Stat. Ann. § 632-A:2	None found	N.H. Rev. Stat. Ann. § 632-A:2 does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of the statute: "the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit." Specific incidents when an actor in a position of authority violates the statute include the following: when the actor is employed by a correctional institution, a secure psychiatric unit, or a juvenile detention facility and when the actor is a probation or parole officer.	N.H. Rev. Stat. Ann. § 632-A:2: Felony. Imprisonment not to exceed 20 years and a minimum not to exceed 1/2 of the maximum.
New Jersey	N.J. Stat. Ann. § 2C:14-2	None found	N.J. Stat. § 2C:14-2 does not define " <i>supervisory or disciplinary power</i> ," but it uses that term to identify a specific violator of that statute. A person has supervisory or disciplinary power based on his or her legal, professional, or occupational status.	N.J. Stat. Ann. § 2C:14-2: Felony for aggravated sexual assault. Imprisonment for not less than 25 years. Felony for sexual assault. Imprisonment for not less than 15 years.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
New Mexico	N.M. Stat. § 30-9-13(B)(2), (C)(2)	N.M. Stat. § 30-9-10(E)	<p>"Position of authority" includes a teacher. It also includes an employer or other person who, by reason of the position of authority, is able to exercise undue influence over a child. Parents, relatives, and household members are also in positions of authority. Additionally, N.M. Stat. § 30-9-13 identifies the following persons as possible violators of the statute based on their actions and relationship with the minor: school employee, school contract employee, school health service provider, and adult school volunteer.</p>	<p>N.M. Stat. § 30-9-13: Felony for sexual contact in the second degree. Imprisonment for not less than 3 years.</p> <p>Felony for sexual contact in the third degree. Imprisonment for a term of six years.</p> <p>Felony for sexual contact in the fourth degree. Imprisonment for a term of 18 months.</p>
New York	None found	None found	n/a	n/a
North Carolina	N.C. Gen. Stat. § 14-202.4	N.C. Gen. Stat. § 14-202.4 N.C. Gen. Stat. § 115C-332	<p>The following persons can violate N.C. Gen. Stat. § 14-202.4 based on their actions and relationship with the minor: coach, school administrator, teacher, school safety officer, and other school personnel. "School personnel" includes employees of a local board of education and contractors and volunteers of local boards of education who have significant access to students.</p>	<p>N.C. Gen. Stat. § 14-202.4: Felony Class is punishable by a term of imprisonment between 4-10 months. See chart at N.C. Gen. Stat. § 15A-1340.17(c)(4).</p>

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
North Dakota	None found	None found	n/a	n/a
Northern Mariana	6 N. Mar. I. Code § 1306 6 N. Mar. I. Code § 1307 6 N. Mar. I. Code § 1308 6 N. Mar. I. Code § 1309	6 N. Mar. I. Code § 1317(5)	"Position of authority" includes a coach, school administrator, and teacher. It also includes a counselor; a religious, scout, or youth leader; an employer; doctor, nurse, or psychologist; a babysitter; a guardian ad litem; and a police or probation officer.	6 N. Mar. I. Code § 1306: Felony. Imprisonment not to exceed 10 years. 6 N. Mar. I. Code § 1307: Felony. Imprisonment not less than 5 years and not more than 15. 6 N. Mar. I. Code § 1308: Felony. Imprisonment not less than two years and not more than five. 6 N. Mar. I. Code § 1309: Misdemeanor. Imprisonment not less than 120 days and not more than one year.
Ohio	None found	None found	n/a	n/a
Oklahoma	Okla. Stat. tit. 21, § 1123(B)	None found	The following persons can violate Okla. Stat. tit. 21, § 1123 based on their actions and relationship with the minor: school system employee, which includes teachers, school administrators, and employees of school contractors; state, county, municipal, and political subdivision employees or contractors when the minor is under the legal custody, supervision, or authority of the employee's agency; and foster parents and foster parent applicants.	Okla. Stat. tit. 21, § 1123: Felony. Imprisonment not to exceed 10 years.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Oregon	Or. Rev. Stat. § 163.425(1)	Or. Rev. Stat. § 163.426(1)	"Coach" includes a person who instructs or trains and individual or members of a team in a sport.	Or. Rev. Stat. § 163.425: Felony. Imprisonment not to exceed 5 years.
Pennsylvania	18 Pa. Cons. Stat. § 3124.3(a) 18 Pa. Cons. Stat. § 3124.2	18 Pa. Cons. Stat. § 3124.3(c)	"Sports official" includes a person who supervises children participating in a sports program of a nonprofit or for-profit association, including a coach, athletic trainer, team attendant, game manager, instructor, or a person at a sports program who enforces the rules of a sporting event.	18 Pa. Cons. Stat. §1103: Felony. Imprisonment not to exceed 7 years. 18 Pa.C.S. § 1103. Felony in the 3rd degree punishable by a sentence of imprisonment not more than 7 years.
Puerto Rico	P.R. Law Ann. tit. 33, § 4770	None found	P.R. Law Ann. tit. 33, § 4770 does not define a person with "relationship of superiority," but it uses that term to identify a specific violator of that statute. A person is in a relationship of superiority when the victim when the person is a teacher or educator; a counselor or religious leader; a medical professional; or a custodian or guardian.	P.R. Law Ann. tit. 33, § 4694: Felony. Imprisonment for not less than 15 years and one day and not more than 25 years.
Rhode Island	None found	None found	n/a	n/a

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
South Carolina	S.C. Code Ann. § 16-3-755	S.C. Code Ann. § 16-3-755(A)(3)	"Person affiliated with a public or private secondary school in an official capacity" includes coach, school administrator, and teacher. It also includes guidance counselor, teacher's assistant, school bus driver, and law enforcement officer.	S.C. Code Ann. § 16-3-755: Felony when the victim is 16 or 17 years of age. Imprisonment not to exceed 5 years. Misdemeanor when the victim is a student and 18 years of age or older. Fine or imprisonment for 30 days or both. Felony when the victim is a student 18 years of age or older and the defendant had direct supervisory authority over the student. Imprisonment not to exceed 5 years.
South Dakota	None found	None found	n/a	n/a

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Tennessee	<p>Tenn. Code Ann. § 39-13-509</p> <p>Tenn. Code Ann. § 39-13-527</p> <p>Tenn. Code Ann. § 39-13-532</p>	None found.	<p>Tenn. Code Ann. §§ 39-13-509, 527, and 532 do not define "<i>position of trust</i>," but they use that term to identify a specific violator of the statutes. A person in a position of trust had supervisory or disciplinary power over the minor by virtue of the person's legal, professional, or occupational status.</p>	<p>Tenn. Code Ann. § 39-13-509: Misdemeanor. Mandatory minimum fine of \$1,000.</p> <p>Tenn. Code Ann. § 39-13-527: Felony Class C punishable by a term of imprisonment not less than 3 years nor more than 15 years. The jury may assess a fine not to exceed \$10,000, unless otherwise provided by statute . Tenn. Code Ann. § 40-35-111.</p> <p>Tenn. Code Ann. § 39-13-532: Felony Class B felony punishable by a term of imprisonment for not less than 8 nor more than 30 years. The jury may assess a fine not to exceed \$25,000, unless otherwise provided by statute. Tenn. Code Ann. § 40-35-11.</p>
Texas	Tex. Penal Code Ann. § 21.12	Tex. Penal Code Ann. § 21.12(A)	<p>The following persons can violate Tex. Penal Code Ann. § 21.12 based on their actions and relationship with the minor: employees of public or private primary or secondary schools.</p>	<p>Tex. Penal Code Ann. § 21.12(b): Felony. Imprisonment of not less than 2 years and not more than 20.</p>

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
US Virgin Islands	V.I. Code Ann. tit. 14, § 1700 V.I. Code Ann. tit. 14, § 1700a V.I. Code Ann. tit. 14, § 1708	V.I. Code Ann. tit. 14, § 1700a	"Person of authority" includes a coach, school administrator, and teacher. It also includes counselor; employer; religious, scout, or youth leader; doctor, nurse, or psychologist; babysitter; guardian ad litem; and police and probation officer.	V.I. Code Ann. tit. 14, § 1700: Felony. imprisoned of not less than 15 years. V.I. Code Ann. tit. 14, § 1700a: Felony. Imprisonment for not less than 10 years. V.I. Code Ann. tit. 14, § 1708: Felony. Imprisonment not to exceed 15 years.
Utah	Utah Code Ann. § 76-5-404.1	Utah Code Ann. § 76-5-404.1(1)(c)	"Position of special trust" includes a coach and teacher, along with all other school employees. It also includes athletic managers; recreational leaders; scout, religious, and youth leaders; counselors; employers; doctors; babysitters; family members, including all parents, aunts, uncles, grandparents, and adult siblings; and legal guardians.	Utah Code Ann. § 76-5-404.1: Felony for aggravated sexual abuse. Imprisonment of not less than 15 years. Life without parole if the defendant causes serious bodily injury to the child or if the defendant was previously convicted of grievous sexual offense.
Vermont	Vt. Stat. Ann., tit. 13, § 3258	Vt. Stat. Ann., tit. 13, § 3258(a)(2)	"Position of power, authority, or supervision" includes an actor who undertakes the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.	Vt. Stat. Ann., tit. 13, § 3258: Felony when the defendant abuses his or her position of power, authority, or supervision over the minor. Imprisonment not to exceed 5 years.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Virginia	Va. Code Ann. § 18.2-370.1	Va. Code Ann. § 18.2-370.1(A)	Va. Code Ann. § 18.2-370.1 does not define " <i>custodial or supervisory relationship</i> ," but it uses that term to identify a specific violator of the statute.	Va. Code Ann. § 18.2-370.1: Felony. Imprisonment not less than one year and not more than 5.
Washington	Wash. Rev. Code § 9A.44.093 Wash. Rev. Code § 9A.44.096	Wash. Rev. Code § 9A.44.010(8)	"Significant relationship" includes a person who undertakes the responsibility, professionally, or voluntarily, to provide education, health, welfare, or organized recreational activities for minors and a person who in the course of employment supervises minors.	Wash. Rev. Code § 9A.44.093. Class C Felony is punishable by confinement in a state correctional institution not to exceed 5 years, or by a fine not exceed \$10,000, or by both. Wash. Rev. Code § 9.68.140 Wash. Rev. Code § 9A.44.096. Gross Misdemeanor is punishable by imprisonment in county jail for a max. term of up to 364 days, or a fine of not more than five thousand dollars both. Wash. Rev. Code § 9.92.020

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Washington, D.C.	D.C. Code § 22-3009.03 D.C. Code § 22-3009.04	None found	The following persons can violate D.C. Code §§ 22-3009.03, 3009.04 based on their actions and relationship with the minor: coaches, principals, teachers, counselors, and other persons with authority at a secondary school. <u>Note:</u> D.C. Code § 22-3001 defines the term "significant relationship," which includes employees and volunteers for social, recreational, and athletic organizations. The two statutes identified, however, do not use the term significant relationship. They, instead, list violators of the statutes.	D.C. Code § 22-3009.03: Felony. Imprisonment not to exceed 10 years. D.C. Code § 22-3009.04: Felony. Imprisonment not to exceed 5 years.
West Virginia	W. Va. Code § 61-8D-5	W. Va. Code § 61-8D-1(13)	"Person in a position of trust in relation to a child" includes any person who is responsible for the health, education, welfare, or supervision of a child based on his or her occupation or position or who is responsible for the general supervision of a child's welfare, or who is acting in place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child.	W. Va. Code § 61-8D-5: Felony when the defendant commits the act. Imprisonment not less than 10 years and not more than 20. Felony when the defendant procures or induces another to commit the act and the victim is under 16 years of age. Imprisonment not less than 5 years and not more than 15. Felony when the defendant procures or induces another to commit the act and the victim is 16 years of age or older. Imprisonment not less than one year and not more than 5.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

STATE	POSITION OF TRUST STATUTE	POSITION OF TRUST DEFINITION	TERMS INCLUDED IN DEFINITION/STATUTE	PENALTY
Wisconsin	Wis. Stat. § 948.095	Wis. Stat. § 948.095(3)(d)	"Occupations or positions that require a person to work or interact directly with children" include coaching and teaching. They also include parks or playground recreation; youth organization; youth counseling; school bus driving; and child care.	Wis. Stat. § 948.095: Felony. Imprisonment not to exceed 3 years.
Wyoming	Wyo. Stat. Ann. § 6-2-316 Wyo. Stat. Ann. § 6-2-317	Wyo. Stat. Ann. § 6-2-301(a)(iv)	"Position of authority" includes teachers and any other person who, by reason of his or her position, is able to exercise significant influence over a person. It also includes employers; parents, guardians, and custodians; and relative or household members.	Wyo. Stat. Ann. § 6-2-316: Felony. Imprisonment not to exceed 15 years. Wyo. Stat. Ann. § 6-2-317: Felony. Imprisonment not to exceed 5 years.

Introduction: Analyzing State Laws That Impact Child Sexual Abuse in Youth Sports

In researching legal issues concerning the sexual abuse of children in youth sports, the LDICP prepared three legislative surveys covering the fifty states and U.S. territories.

LDICP Legislative Surveys of the United States and Its Territories

- Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State
- Employee and Volunteer Background Checks for Those Working with Children: Laws by State
- Mandatory Reporting of Child Abuse: Laws by State

These legislative surveys have been posted on the LDICP website. In making use of these materials, researchers should take note of the following constraints:

Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State

This survey reviews state laws that enhance penalties for child sexual abuse perpetrators who hold a position of authority or position of trust as to the child victim. (Such perpetrators are said to be “within the child’s Circle of Trust.”¹)

- 1) This survey covers only sexual crimes against children. It does not cover other child abuse crimes such as physical or emotional abuse.
- 2) In some states, the law cited constitutes a penalty enhancement for an underlying crime, such as “Child Sexual Abuse.” In other states, the law cited constitutes a separately chargeable crime.
- 3) The penalties listed for each state are the maximums. The specific penalty in a given case is decided at sentencing.
- 4) Each state establishes its own minimum penalty for conviction under its Circle of Trust law. In some states, conviction under the Circle of Trust law may render the offender eligible for probation; in such cases, conviction under the law may result in no incarceration.

Employee and Volunteer Background Checks for Those Working with Children: Laws by State

This survey reviews state laws that require organizations working with children to conduct background checks on potential employees and volunteers. It does not cover background check laws affecting those who do not work with children.

Mandatory Reporting of Child Abuse: Laws by State

This survey reviews state laws that require individuals in certain professions to report suspected child abuse to police or child protective services. It includes information regarding immunity from liability for good-faith reporting, as well as penalties for mandatory reporters who fail to report to police or child protective services.

¹ The term “Circle of Trust” was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection.

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Alabama	<p>Ala. Code § 38-13-3: Criminal history background information check.</p> <p>Ala. Code § 38-13-2: "Criminal history background information check" includes a review of records involving an arrest or conviction by a criminal justice agency, including child abuse crime information. It also includes a review of conviction record information, fingerprint cards, correctional data and release information, and identifiable descriptions.</p>	<p>Ala. Code § 38-13-3: Prospective employment, volunteer service, or employment at a child care or adult care facility.</p> <p>Prospective employment at the Department of Human Resources if the position requires unsupervised access to children, the elderly, or persons with disabilities.</p> <p>Ala. Code § 38-13-2: "Unsupervised access to a child" means contacts, interviews, questions, examinations, interactions, or communications outside the presence, supervision, and control of someone other than a child in care during the provision of care, education, training, instruction, supervision, or other employment or license related activities.</p>	<p>Ala. Code § 38-13-3: Child care facility, adult care facility, the Department of Human Resources, child-placing agencies and employer of services.</p> <p>Child and adult care facilities that are exempt from Department of Human Resources licensing are not required to complete background checks, but these checks are permissible.</p> <p>Ala. Code § 38-13-2: "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children and others.</p> <p>"Child care facility" means a person or entity holding a Department of Human Resources license, permit, or approval to provide child care.</p>	<p>Ala. Code § 38-13-2: The background check requirements did not create or establish a new cause of action in any court. The provisions are also not to be construed as a waiver of any sovereign or qualified immunity.</p>	<p>Ala. Code § 38-13-4: An individual may challenge the accuracy or completeness of the criminal history information background report.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Alaska	<p>Alaska Admin. Code tit. 7, § 10.900 and see Alaska Stat. § 47.05.310: Criminal history check. Fingerprint-based criminal history checks are valid for six years.</p> <p>Alaska Stat. § 12.62.400: Criminal history check.</p>	<p>Alaska Admin. Code tit. 7, § 10.900, Alaska Admin. Code tit. 7, § 10.910 and Alaska Stat. § 47.05.310: Licensure, certification, or approval by the department of Health and Social Services or finding of eligibility to receive certain payments from the department of Health and Social Services.</p> <p>Alaska Admin. Code tit. 7, § 10.910 and see Alaska Stat. § 47.05.310: Prospective employment or volunteer service at an entity or by an individual service provider for the department of Health and Social Services.</p> <p>Alaska Stat. § 12.62.400: Request for license, permit, registration, employment or a position, including a position involving supervisory or disciplinary power over a minor, a teacher certificate, and a school bus driver license.</p>	<p>Alaska Admin. Code tit. 7, § 10.900: Entity or individual service provider for the department of Health and Social Services. Background checks are required for employees, independent contractors, unsupervised volunteers, and board members if they have regular contact with recipients of services, access to personal and financial records, or control over or impact on the financial well-being of the recipients.</p> <p>Alaska Stat. § 12.62.400: Entities including those involving supervisory or disciplinary power over a minor.</p>	None found in statute.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Arizona	<p>Ariz. Rev. Stat. § 41-1750: Criminal history record information, including information that a person has been charged with, arrested for, convicted or, or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence.</p> <p>"Criminal history record information" means information that is collected by criminal justice agencies on individuals and that consists of identifiable descriptions and notations of arrests, detentions, indictments, and other formal charges, and any disposition arising from those actions, sentencing, formal correctional supervisory action and release. Juvenile information is not included unless the person was adjudicated as an adult.</p>	<p>Ariz. Rev. Stat. § 41-1750: Prospective employment, contracts services, or volunteer services. Evaluate the fitness of current employees, contractors, and volunteers.</p>	<p>Ariz. Rev. Stat. § 41-1750: Among others: school districts and charter schools; nonprofit organizations that interact with children or vulnerable adults.</p>	<p>None found.</p>	<p>Ariz. Rev. Stat. § 41-1750: The background check requirements did not create or establish a new cause of action or right to bring an action.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Arkansas	<p>Ark. Code Ann. § 12-12-1605: Criminal history information.</p> <p>Ark. Code Ann. § 12-12-1603: "Criminal history information" means a record compiled by the Arkansas Crime Information Center or the Identification Bureau of the Department of Arkansas State Police.</p> <p>Ark. Code Ann. § 12-12-1607: Information included in a background check includes all pending Arkansas felony arrests, all Arkansas criminal convictions, and whether the individual is a registered sex offender or required to register as a sex offender.</p> <p>Ark. Code Ann. § 20-38-103: Criminal history records check.</p> <p>Ark. Code Ann. § 6-17-414: Criminal records check.</p>	<p>Ark. Code Ann. § 12-12-1605: Volunteer organization requests the check.</p> <p>Ark. Code Ann. § 20-38-103: Prospective employment with a health and safety service provider.</p> <p>Ark. Code Ann. § 6-17-414: Prospective employment for an employee or noncontinuous reemployment for a nonlicensed staff person at a school.</p>	<p>Ark. Code Ann. § 12-12-1602 and Ark. Code Ann. § 12-12-1605: Volunteer organizations that provide services or work with children, the elderly, victims of domestic abuse, or individuals with disabilities if they have registered with the Department of Arkansas State Police.</p> <p>Ark. Code Ann. § 12-12-1603: "Volunteer organization" means an individual, group of individuals, association, partnership, corporation, limited liability company or partnership, business, public school, school district, person or organization designated by a public school or school district to organize volunteers for the public school or school district, or other entity that has volunteers who provide services to children, the elderly, victims of domestic abuse, or individuals with disability. "Children" means individuals under 16 years of age. "Employee" means a person currently in the service of an employer for full-time or part-time compensation and employed by a contract or at will. "Volunteer" means a person who provides services involving contact with children without an express or implied promise of compensation.</p>	<p>Ark. Code Ann. § 20-38-111: Service providers are immune for suit or liability for acts or omissions related to background checks unless they were malicious acts or omissions.</p>	<p>Ark. Code Ann. § 12-12-1605: A volunteer organization that wants to obtain criminal background check information on volunteers must register with the Department of Arkansas State Police.</p> <p>Ark. Code Ann. § 12-12-1013: An individual may challenge the accuracy or completeness of the background check information.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
California	Cal. Health & Safety Code § 1522: Criminal history information, including a full criminal record.	Cal. Health & Safety Code § 1522: Licensure, permits, or certification for persons to operate or provide direct service care. Prospective or continues employment or volunteer services, including for those who have contact with clients. Note: a volunteer is exempt from the criminal history check requirement if (1) the volunteer is supervised by an individual with a criminal record clearance or exemption; the volunteer is never left alone with clients; and the volunteer does not provide any client assistance with dressing, grooming, bathing, or personal hygiene other than washing of hands.	Cal. Health & Safety Code § 1522: Community care facilities, foster family homes, or certified family home of a licensed foster family agency.	Cal. Health & Safety Code § 1522: If an organization hires a party whose is disqualified by a criminal history check, it will be assessed a civil penalty of \$100 per violation per day.	
Colorado	Colo. Rev. Stat. § 22-60.5-103, Colo. Rev. Stat. § 22-32-109.8, and Colo. Rev. Stat. § 26-6.8-104: Fingerprint-based criminal history records check, which may include juvenile records.	Colo. Rev. Stat. § 22-60.5-103: Prospective licensure for a teacher, adjunct instructor, special educational services provider, principal, or administrator of a school. Colo. Rev. Stat. § 22-32-109.8: Prospective employment as a nonlicensed school employee. A school district may employ a nonlicensed employee prior to receiving the results of the criminal history check. Colo. Rev. Stat. § 24-72-305.3: Prospective employment or volunteer service with a qualified entity under the "Colorado Youth Mentoring Services Act."	Colo. Rev. Stat. § 13-80-103.9 and 22-30.5-110.5: Public or charter schools. Colo. Rev. Stat. § 22-1-121: Nonpublic schools <u>may</u> require fingerprint-based background checks. Colo. Rev. Stat. § 26-6.8-104: Organizations and programs under the Colorado Youth Mentoring Services Act.	Colo. Rev. Stat. § 13-80-103.9: Civil liability for failure to perform a criminal history background check on a current employee with a criminal record.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Connecticut	Conn. Gen. Stat. § 10-221d and § 29-17a: State and national criminal history background checks, including, in some instances, a record check of the Department of Children and Families child abuse and neglect registry.	Conn. Gen. Stat. § 10-221d and § 10-222c: Prospective employment in a public school, including those in nonpaid, noncertified positions who are completing requirements for an educator certificate who would have direct contact with children.	Conn. Gen. Stat. § 10-221d: Local and regional boards of education, governing councils of state or local charter schools, and interdistrict magnet school operators. Supervisory agents of private schools <u>may</u> require a criminal history records check.	None found.	
Delaware	Del. Code Ann. tit. 31, § 309: Criminal and Child Protections Registry checks, including the person's entire criminal history.	Del. Code Ann. tit. 31, § 309: Prospective employment or volunteer service with a child-serving entity. "Volunteer" is a person providing volunteer services with a child-serving entity and who has regular direct access to children. "Employee" includes any person seeking employment for compensation with a child-serving entity, or any person who has regular direct access to children at a child-serving entity.	Del. Code Ann. tit. 31, § 309: "Child-serving entities," which include public and private schools; youth camps or summer schools, including those that provide recreational, athletic, educational, or religious instruction; child-care providers; DSCYF; residential child-care facilities; and facilities and individuals registered and eligible for Federal Child Care Development Block Grant funds.	Del. Code Ann. tit. 31, § 311: Class A misdemeanor for failure to complete a background check or hiring a disqualified person: imprisonment for up to one year and a fine of up to \$2,300. Civil penalty for failure to report: fine not less than \$1,000 and not more than \$5,000 for each violation.	Del. Code Ann. tit. 31, § 309: Private schools and youth camps may use a private, third-party provider for out-of-state criminal record searches. Private schools, including youth camps directly operated by a private school, may choose not to perform the background checks provided that the entity informs parents or guards that the school or youth camp is not meeting minimum background check safety requirements for its staff members; the entities must obtain and retain a signed acknowledgment from parents or guardians. Any person or organization that is not required to perform background checks may do so at their own expense.

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Florida	<p>Fla. Stat. § 943.0438: Level 1 background screening.</p> <p>Fla. Stat. § 435.03: "Level 1 screening" includes employment history checks, statewide criminal correspondence checks, and a check of the Dru Sjodin National Sex Offender Public Website. It may also include local criminal records checks.</p> <p>Fla. Stat. § 943.0542: Criminal history record.</p>	<p>Fla. Stat. § 943.0438: Prospective and current employment for an athletic coach. "Athletic coach" includes a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for 20 or more hours within a calendar year, whether compensated or volunteer, for a youth athletic team. The coach must also have direct contact with one or more minors on the youth athletic team.</p> <p>Fla. Stat. § 943.0542: Prospective or actual employment or volunteer service for a qualified entity.</p>	<p>Fla. Stat. § 943.0438: "Independent sanctioning authority," which means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team if the team includes one or more minors and is not affiliated with a private school.</p> <p>Fla. Stat. § 943.0542: "Qualified entity," which means a business or organization, whether public, private, operated for profit, operated not for profit, or voluntary, which provides care or care placement services, including business or organizations that licenses or certifies others to provide care or care placement services. "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.</p>	<p>Fla. Stat. § 943.0542: A qualified entity is not liable for damages solely for failing to obtain background information on an employee or volunteer.</p>	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Georgia	<p>Ga. Code Ann. § 20-1A-39: Fingerprint records check, which includes a criminal history check. Starting in January 2018, fingerprint record checks are required at least every five years.</p> <p>Ga. Code Ann. § 31-2-9 and Ga. Code Ann. § 49-2-14: Fingerprint records check, which includes a criminal history check.</p> <p>Ga. Code Ann. § 20-1A-30, Ga. Code Ann. § 31-2-9, and Ga. Code Ann. § 49-2-14: "Criminal record" means conviction, arrest, charge, and sentencing for a crime, including pending charges.</p> <p>Ga. Code Ann. § 20-1A-30: "Employment history" means a record of where a person has worked for the past 10 years.</p>	<p>Ga. Code Ann. Ga. Code Ann. § 20-1A-31 and § 20-1A-39: Prospective employment at an early care or education program, including by students enrolled in early education curriculum programs.</p> <p>Ga. Code Ann. § 20-1A-30: "Employee" means any person employed by an early care or education program to perform duties which involve personal contact between that person and any child being cared for at the facility. It includes persons who are compensated and those who are not.</p> <p>Ga. Code Ann. § 31-2-9: Licensing of a new health care facility.</p> <p>Ga. Code Ann. § 49-2-14: Licensing of a new child welfare agency.</p>	<p>Ga. Code Ann. § 20-1A-31 and see Ga. Code Ann. § 20-1A-30: Early care or education program for children.</p> <p>Ga. Code Ann. § 31-2-9: Personal care home, assisted living community, private home care provider, and community living arrangements.</p> <p>Ga. Code Ann. § 49-2-14: Child welfare agency.</p>	<p>Ga. Code Ann. § 20-1A-39: License revocation for any early care or education program if it fails to comply with the background check and hiring requirements.</p>	<p>Ga. Code Ann § 20-1A-41: Early care and educational programs are not liable for defamation, invasion of privacy, or other claims if they acted in good faith and consistent with the legal requirements.</p>
Hawaii	<p>Haw. Rev. Stat. § 846-2.7: Criminal history background checks.</p>	<p>Haw. Rev. Stat. § 846-2.7: Prospective and current employees and volunteers who will work in close proximity to children, including at recreational or child care programs, or provide care or services to children. Note: the statute provides that the organizations may conduct background checks. The checks are not mandatory.</p>	<p>Haw. Rev. Stat. § 846-2.7: Department of education, private schools and organizations, state public or private charter school commission, counties, department of human services, the department of corrections, the public library, and other branches, political subdivisions and agencies of the state.</p>	<p>None found.</p>	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Idaho	Idaho Code Ann. § 33-130 and Idaho Code Ann. § 39-1105: Criminal history check, including the statewide sex offender register.	Idaho Code Ann. § 33-130: Employees, applicants, and others with unsupervised contact with students. Idaho Code Ann. § 39-1105: Owners, operators, and employees with direct contact with children.	Idaho Code Ann. § 33-130: School districts. Idaho Code Ann. § 33-130A: Private and parochial schools are not required to complete background checks, but they are permitted to do so. Idaho Code Ann. § 39-1105: Daycare facilities.	None found.	Idaho Code Ann. § 67-3008: Unless provided by law, the ability to access criminal history reports does not create a duty upon a person, employer, private agency, or public agency to examine the records of applicants, employees, or volunteers.
Illinois	105 Ill. Comp. Stat. 5/10-21.9 and 105 Ill. Comp. Stat. 5/34-18.5: Criminal history records check, which includes all records except expunged records and a check of the Statewide Sex Offender Database and the Statewide Murderer and Violent Offender Against Youth Database. 225 Ill. Comp. Stat. 10/4.1: Criminal history records check, including the Central Register for abused and neglected children.	105 Ill. Comp. Stat. 5/10-21.9 and 105 Ill. Comp. Stat. 5/34-18.5: Prospective employment. For Prospective employees of contract providers, record checks are required for employees who have direct, daily contact with pupils of any school in the district. 225 Ill. Comp. Stat. 10/4.1: Applicant for a child care facility license. Prospective employment or volunteer service.	105 Ill. Comp. Stat. 5/10-21.9 and 105 Ill. Comp. Stat. 5/34-18.5: School district and persons or firms holding contracts with any school district. 225 Ill. Comp. Stat. 10/4.1: Child care facility.	None found.	
Indiana	Ind. Code § 10-13-3-28: Criminal history check. Ind. Code § 20-26-5-10: Expanded criminal history check. Ind. Code § 12-17.2-4-3: Criminal history check.	Ind. Code § 10-13-3-28: Prospective employment or volunteer service. Ind. Code § 20-26-5-10: Prospective or current employment or for employees of contractors providing services to the school corporation. Ind. Code § 12-17.2-4-3: Application for a license for a child care center and employment or volunteer service when the person has direct contact with a child who is receiving care.	Ind. Code § 10-13-3-28: Noncriminal justice organization. Ind. Code § 20-26-5-10: School corporation. Ind. Code § 12-17.2-4-3: Child care center.	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Iowa	<p>Iowa Code § 125.14A: In-state criminal history check and child abuse record check. Out-of-state checks are permissible.</p> <p>Iowa Code § 135B.34: Criminal history check and child and dependent adult abuse record check.</p> <p>Iowa Code § 135C.33: Criminal history check and child and dependent adult abuse record check.</p> <p>Iowa Code § 135H.7: In-state criminal history check and child abuse records check. Out-of-state checks are permissible.</p> <p>Iowa Code § 217.44: In-state criminal history check and abuse checks. Out-of-state checks are permissible.</p>	<p>Iowa Code § 125.14A: Licensure or Prospective employment involving direct responsibilities for a child or with access to a child when the child is alone at a treatment program.</p> <p>Iowa Code § 135B.34: Prospective employment in a hospital.</p> <p>Iowa Code § 135C.33: Prospective employment at a healthcare facility, including employment for health aides, adult day service providers, hospice employees, direct service providers, elder group home employees, and assisted living program employees.</p> <p>Iowa Code § 135H.7: Licensure or Prospective employment involving direct responsibility for a child or with access to a child when the child is alone at a psychiatric institution.</p> <p>Iowa Code § 217.44: Prospective employment involving direct contract with the departments of human service's clients.</p>	<p>Iowa Code § 125.14A: Treatment programs admitting juveniles.</p> <p>Iowa Code § 135B.34: Hospitals.</p> <p>Iowa Code § 135C.33: Healthcare facility.</p> <p>Iowa Code § 135H.7: Psychiatric institution.</p> <p>Iowa Code § 217.44: Department of human services field services organization.</p>	<p>Iowa Code § 135C.36: Civil violations for healthcare facilities failure to comply with the law: Class I if the failure presents an imminent danger or substantial probability of death or physical harm; penalty of not less than \$2,000 and not more than \$10,000. Class II if the failure has a direct or immediate relationship to the health, safety, or security of resident health care facilities; penalty of not less than \$100 and not more than \$500. Class III if it is not a Class I or II violation; no fine identified.</p>	<p>Iowa Code § 235A.15: Iowa maintains a confidential child abuse information registry.</p>
Kansas	<p>Kan. Stat. Ann. § 65-516: National criminal history record checks.</p>	<p>Kan. Stat. Ann. § 65-516: Employment, residence, or volunteer service.</p>	<p>Kan. Stat. Ann. § 65-516: Child care facility.</p>	<p>None found.</p>	<p>Kan. Stat. Ann. § 65-516: A child care facility will not be liable for hiring decisions based on a background check if the facility acts in good faith. Kansas law also focused on consumer credit checks for employment purposes. See Kan. Stat. Ann. § 50-702.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Kentucky	Ky. Rev. Stat. Ann. § 160.380: State and national criminal background check.	Ky. Rev. Stat. Ann. § 160.380: Newly hired certified employees, student teachers, nonfaculty coaches, and nonfaculty assistants. Note: the superintendent of a school district may require the following persons to submit criminal history background checks: volunteers, contractors, and visitors. Ky. Rev. Stat. Ann. § 17:165: Employment that involves supervisory or disciplinary power over a minor or direct contact with a minor if the person has been convicted of a sex or violent crime.	Ky. Rev. Stat. Ann. § 160.380: School district through the superintendent. Ky. Rev. Stat. Ann. § 17:165: Child care centers.	None found.	Ky. Rev. Stat. Ann. § 164.281: Public and private postsecondary educational institutions must require criminal history records checks for all new hires. They may also require checks for contractors, employees of contractors, volunteers, and visitors.
Louisiana	La. Rev. Stat. Ann. § 17:15, La. Rev. Stat. Ann. § 407.42, and La. Rev. Stat. Ann. § 46:51.2: Criminal history record check.	La. Rev. Stat. Ann. § 17:15: Prospective employment. La. Rev. Stat. Ann. § 407.42: Owner, operator, employee, or volunteer. La. Rev. Stat. Ann. § 46:51.2: Prospective employment that includes the investigation of child abuse or neglect or supervisory or disciplinary authority over children or direct care of a child.	La. Rev. Stat. Ann. § 17:15: City, parish, and other local public school board. La. Rev. Stat. Ann. § 407.42: Early learning center. La. Rev. Stat. Ann. § 46:51.2: Department of Children and Family Services.	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Maine	<p>Me. Rev. Stat. Ann. tit. 22, § 9054: Comprehensive background check, including criminal history records check. The report must identify disqualifying offenses, including criminal charges without disposition, convictions, and other event notations. Periodic background checks. Criminal history records checks must be completed every 5 years.</p>	<p>Me. Rev. Stat. Ann. tit. 22, § 9054: Any person who is a direct access worker will trigger a background check. A direct access worker is an individual who by virtue of employment has direct access to a Medicare or Medicaid beneficiary or other protected individual. Me. Rev. Stat. Ann. tit. 22, § 9053(14). A protected individual is a person who is in need of support; who is vulnerable to abuse, neglect, and exploitation; and who receives services offered by providers. Me. Rev. Stat. Ann. tit. 22, § 9053(30).</p>	<p>Me. Rev. Stat. Ann. tit. 22, § 9054: The following organizations with direct access workers must complete background checks: child care facilities, child placing agencies, children's residential care facilities, family child care providers, nursery school, hospice providers, home health care providers, nursing facilities, personal care agencies and placement agencies, temporary nurse agencies, adult day care programs, assisted housing programs, residential care facilities, intermediate care facilities for individuals with intellectual disabilities, mental health service facilities providers, and drug treatment centers.</p>	<p>Me. Rev. Stat. Ann. tit. 22, § 9062: Civil violation for failure to complete a background check or knowingly employing a disqualified individual: fine of not less than \$500 and not more than \$10,000 per day. Each day constitutes a separate offense. Civil violation for failure to comply with the confidentiality requirements and conditional employment requirements: fine of not less than \$500 and not more than \$5,000.</p> <p>Me. Rev. Stat. Ann. tit. 22, § 9063: Employer may be denied a license, certification, or registration to provide services or license, certification, or registration may be terminated or revoked</p>	<p>Individuals may challenge the accuracy of the background check records. Me. Rev. Stat. Ann. tit. 22, § 9054.</p> <p>An employer/provider who denies employment because of information obtained through a final background check report is not liable in an action brought by the individual. There is a rebuttable presumption that the employer/provider acted in good faith. Me. Rev. Stat. Ann. tit. 22, § 9054.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Maryland	Md. Code Ann., Fam. Law § 5-551: Criminal history records check	Md. Code Ann., Fam. Law § 5-551: Supervision over children or access to children who are cared for or supervised in a facility.	<p>Md. Code Ann., Fam. Law § 5-551: The following organizations/facilities must complete criminal history records checks for employees and employers, including employees of contractors and subcontractors who have direct, unsupervised, and uncontrolled access to children: a recreation center or a recreation program operated by the state, local government, or private entity serving minors or a day or residential camp primarily serving minors. Additionally, the following organizations/facilities must complete criminal history records checks: a child care center; a family child care home; a child care institution; a juvenile detention, correction, or treatment facility; a public, private, or nonpublic school; a foster care family home or group facility; or a home health agency or residential service agency.</p> <p>NOTE: Organizations/facilities are not required to complete criminal history records checks for volunteers at any of the facilities. They are, however, permitted to request those. Additionally, employers at facilities not listed above may require criminal history records checks if it employees individuals to work with children.</p> <p>Md. Code Ann., Fam. Law § 5-550(e)(1): Employee: a person that for compensation is employed to work and who care for or supervised children in the facility or has access to children who are cared for or supervised in the facility.</p>	Md. Code Ann., Fam. Law § 5-557: Employers and agencies are immune from civil or criminal liability in connection with criminal history record checks.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Massachusetts	<p>Mass. Gen. Laws ch. 6, § 172H: Criminal offender record information.</p> <p>Mass. Gen. Laws ch. 6, § 172G: Criminal offender record information and juvenile data.</p> <p>Mass. Gen. Laws ch. 71, § 38R: Criminal offender record information. Obtained periodically, but not less than every 3 years.</p> <p>Mass. Gen. Laws ch. 6, § 167: "Criminal offender record information" is records and data compiled by a Mass. criminal justice agency which concerns identifiable individuals and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings where the person was detained prior to trial or released with conditions, sentencing, incarceration, rehabilitation, or release.</p> <p>Limited to information concerning persons who have attained the age of 18, and it does not include criminal offense or acts of delinquency committed by any person under the age of 18 (unless the person was adjudicated as an adult).</p>	<p>Mass. Gen. Laws ch. 6, § 172H: Primarily engaged in providing activities or programs to children.</p> <p>Mass. Gen. Laws ch. 6, § 172G: Any volunteers in camps.</p> <p>Mass. Gen. Laws ch. 71, § 38R: Direct, unmonitored contact with children. Schools may obtain background checks for volunteers, subcontractors, and laborers who perform work on school ground and may have direct and unmonitored contact with children.</p>	<p>Mass. Gen. Laws ch. 6, § 172H: Any organization primarily engaged in providing activities or programs to children.</p> <p>Mass. Gen. Laws ch. 6, § 172G: Operators of camps for children.</p> <p>Mass. Gen. Laws ch. 71, § 38R: Schools and school districts.</p>	<p>Mass. Gen. Laws ch. 6, § 177: Civil liability: actual damages and exemplary damages for not less than \$100 and not more than \$100,000 for each violation. Any aggrieved person may institute a civil action for damages or to restrain any violation of sessions 172G or 172H.</p>	<p>Mass. Gen. Laws ch. 6, § 172()(e): No person shall be liable for negligent hiring by reason of relying solely on criminal offender record information, unless more was required under law, if the employment decision was made within 90 days of receiving the information. Employers shall not be liable for discriminatory employment practices for failure to hire a person on the basis of the criminal offender record information that contains erroneous information.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Michigan	<p>Mich. Comp. Laws § 380.1230: Criminal history record information. Another criminal history check is not required as long as the individual remains employed with no separation from service.</p> <p>Mich. Comp. Laws § 722.115d: Criminal history check.</p> <p>Mich. Comp. Laws § 722.115d: Criminal history check.</p> <p>Mich. Comp. Laws § 28.241a(d): "Criminal history record information" means name; date of birth; personal descriptions including identifying marks, scars, amputations, and tattoos; aliases and prior names; social security number; driver's license number; and other identifying numbers; and information on misdemeanor and felony arrests and convictions.</p>	<p>Mich. Comp. Laws § 380.1230: Regular and continuous work under contract in any school.</p> <p>Mich. Comp. Laws § 722.115d: Regular and continuous work under contract in a child care organization.</p> <p>Mich. Comp. Laws § 722.13: Application by a person to have his or her home designated as a McGruff house or a Michigan community child watch house.</p>	<p>Mich. Comp. Laws § 380.1230: All schools.</p> <p>Mich. Comp. Laws § 722.115d: Child care organization.</p> <p>Mich. Comp. Laws § 722.13: Any nonprofit organization, school district, or business entity that sponsors a McGruff House or Michigan community child watch house.</p>	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
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State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Minnesota	<p>Minn. Stat. § 123B.03: Criminal history data</p> <p>Minn. Stat. § 13.87: "Criminal history data" means all data maintained in criminal history reports compiled by the Bureau of Criminal Apprehension, including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, and custody and supervision data. The criminal history data are private except the following information: convictions; associated court dispositions and sentence information; controlling agency and confinement information. This information is public data for 15 years following the discharge of the sentence imposed for the offense.</p> <p>Minn. Stat. § 299C.61: "Background check crime" includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor, kidnapping, arson, criminal sexual conduct, and position-related crimes.</p>	<p>Minn. Stat. § 123B.03: Offer of employment to persons providing athletic coaching services or other extracurricular academic coaching services Note: a school hiring authority <u>may</u> request a background check on any individual who seeks to serve as a school volunteer or who works as an independent contractor or student employee.</p>	<p>Minn. Stat. § 123B.03: School hiring authority</p> <p>"School hiring authority" means the school board, the school principal, or other persons having general control and supervision of the school.</p>	None found.	<p>Minn. Stat. § 123B.03: A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the results of a background check.</p> <p>Minn. Stat. § 299C.64: The Bureau of Criminal Apprehension is immune from any civil or criminal liability that might arise based on the accuracy or completeness of its records if the Bureau acts in good faith.</p> <p>Minn. Stat. § 123B.03: An individual has the right to challenge the accuracy and completeness of the information contained in the background check report.</p>
Mississippi	<p>Miss. Code Ann. § 43-15-6: National criminal history record information check and child abuse registry check.</p> <p>Miss. Code Ann. § 43-20-8: Criminal records, background and sex offender registry checks, and current child abuse registry checks.</p>	<p>Miss. Code Ann. § 43-15-6: Prospective or current employment, volunteer service, ownership, or operation if the person has or may have unsupervised access to a child served by the entity.</p> <p>Miss. Code Ann. § 43-20-8: Prospective or current position as a caregiver.</p>	<p>Miss. Code Ann. § 43-15-6: Person, institution, facility, clinic, organization, or other entity that provides services to children in a residential setting and is entrusted with the care of children, whether paid or unpaid.</p> <p>Miss. Code Ann. § 43-20-8 and Miss. Code Ann. § 43-15-303: Child care facilities or an entity conducting child care services.</p>	Miss. Code Ann. § 43-15-6: Failure to complete the background check as required is a violation and the entity is subject to a penalty up to \$10,000 for each violation and may be enjoined from further operation.	Miss. Code Ann. § 43-15-307: A person who is required to register as a sex offender who knowingly undertakes employment or volunteer service with a child care service is guilty of a felony and shall be imprisoned for not more than 5 years.

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Missouri	Mo. Rev. Stat. § 168.133: Criminal background check, which includes a search of any information publically available in an electronic format through a public index or single case display.	Mo. Rev. Stat. § 168.133: Prospective or current employment when the person is authorized to have contact with pupils.	Mo. Rev. Stat. § 168.133: School districts.	None found.	
Montana	Mont. Admin. R. 10.57.201A: State and national criminal history background checks. Mont. Code Ann. § 41-3-304: Name-based background checks for emergencies and later a fingerprint-based background check.	Mont. Admin. R. 10.57.201A: Prospective or current employment or volunteer service when the person has, or will have, unsupervised access to children, the elderly, or individuals with disabilities. Licensure for an educator. Emergency child placements/protective care. Those with unsupervised access and provide protective care.	Mont. Admin. R. 10.57.201A: Superintendent of Public Instruction and the Board of Public Education. Mont. Code Ann. § 41-3-304: Emergency child placements.	None found.	Mont. Admin. R. 10.57.201A: Person may challenge the accuracy and completeness of the report.
Nebraska	Neb. Rev. Stat. § 71-1912: National criminal history record information check.	Neb. Rev. Stat. § 71-1912: Prospective licensure of school-age-only or preschool programs, child care centers, and family child care homes.	Neb. Rev. Stat. § 71-1912: The state shall investigate, and <u>may</u> seek a national criminal history record information check, of any licensee or employee of the licensee of an organization that provides school-age-only and preschool programs or child care centers or family child care homes.	None found.	In 2014, Nebraska passed the “ban the box law.” Public employers are required to remove any question pertaining to criminal history on state job applications. Criminal background checks can still be performed but only after a job applicant’s qualifications are reviewed. See Sharon Zaleski, Nebraska Has New Ban the Box Law for Background Check and Criminal History Process (April 25, 2014).
Nevada	Nev. Rev. Stat. § 179A.190: Criminal history records.	Nev. Rev. Stat. § 179A.310: Prospective and current volunteers who work with children.	Nev. Rev. Stat. § 179A.310: Nonprofit agencies that work directly with children.	Nev. Rev. Stat. § 179A.310: The fact that a nonprofit agency did not request a background check cannot be considered as evidence of negligence in any civil action brought against the agency.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
New Hampshire	N.H. Rev. Stat. Ann. § 189:13-a and N.H. Rev. Stat. Ann. § 485-A:24: Criminal history records check.	N.H. Rev. Stat. Ann. § 189:13-a: Prospective or current employment (prior to final offer) or those designated volunteers. This includes volunteer organizations which contract with a school to provide services directly to students. Note: not all volunteers are subject to the background checks, only "designated volunteers." Each organization must adopt a policy designating certain categories of volunteers as "designated volunteers." N.H. Rev. Stat. Ann. § 485-A:24: Prospective and current employment and volunteer services for persons who may be left along with any child or children. Operating or owning a camp.	N.H. Rev. Stat. Ann. § 189:13-a: School administrative unit, school district, chartered public school, or public academy. Note: nonpublic schools may elect to require criminal history records checks. N.H. Rev. Stat. Ann. § 485-A:24: Youth skills camp.	None found.	N.H. Rev. Stat. Ann. § 189:13-a: Organization is immune from civil or criminal liability if the officials acted in good faith and in accordance with the policy.
New Jersey	N.J. Stat. Ann. § 15A:3A-2: Criminal history record background check. N.J. Stat. Ann. § 15A:3A-1: “Criminal history record background check” means a determination of whether a person has a criminal record by cross-referencing that person’s name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.	N.J. Stat. Ann. § 15A:3A-2: Prospective or current employment or volunteer services. Note: The statute says the organization may request a criminal history record background check. This check does not appear to be mandatory.	N.J. Stat. Ann. § 15A:3A-2: Nonprofit youth serving organization. N.J. Stat. Ann. § 15A:3A-1: “Nonprofit youth serving organization” means a corporation, association or other organization, which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes. It does not include public and nonpublic schools.	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
New Mexico	N.M. Stat. § 22-10A-5: Criminal records checks, including convictions and misdemeanors.	N.M. Stat. § 22-10A-5: Prospective or current employment, contract services, or volunteer services if the person will have unsupervised access to students at a public school. Application for initial license for a licenses employee. N.M. Stat. § 22-14-32: Background check requirements do not apply to industry instructors except those required for licensed school employees.	N.M. Stat. § 22-10A-5: School boards, regional education cooperatives, and charter schools.	N.M. Stat. § 22-10A-5: A superintendent, charter school administrator, or regional educational cooperative director who fails to perform background checks may have his or her license suspended, revoked, or denied renewal.	N.M. Stat. § 22-10A-5: A person who reports in good faith shall not be liable for civil damages as a result of the report. A person may be liable for negligent and intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.
New York	N.Y. Soc. Serv. Law § 390-e: Criminal history record check.	N.Y. Soc. Serv. Law § 390-e: Prospective employment or mentoring services when the person may engage in unsupervised activities with youth or in activities with youth in a setting without constant agency or parental oversight. “Prospective employee” means a person being considered for employment by a mentoring program. "Prospective mentor" means an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Note: The statute says the mentoring program may request a criminal records check. This check does not appear to be mandatory.	N.Y. Soc. Serv. Law § 390-e: Mentoring program. “ Mentoring program ” means a formalized, incorporated program, operated by a corporation or operated by an educational institution or school district, that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.	None found.	N.Y. Soc. Serv. Law § 391: Violations may be prohibited by injunction.

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State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
North Carolina	<p>N.C. Gen. Stat. § 115C-332: Criminal history check.</p> <p>"Criminal history" means a county, state, or federal criminal history of convictions or pending indictments of a crime or criminal charge, including both misdemeanors and felonies, that indicate the employee poses a threat to the physical safety of students or personnel or has demonstrated that the person does not have the integrity or honesty to fulfill his or her duties as public school personnel.</p>	<p>N.C. Gen. Stat. § 115C-332: Prospective employment or individual contractor work with a local school board.</p> <p>"School personnel" includes an employee of a local board of education, an independent contractor or employee of an independent contractor of a local board of education if the independent contractor carries out duties customarily performed by school personnel and has significant access to students, and the following, substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians.</p>	<p>N.C. Gen. Stat. § 115C-332: Local boards of education.</p>	<p>N.C. Gen. Stat. § 115C-332: No liability for negligence on the part of an employer, or others, arising from any omission in meeting its obligations related to criminal history checks. This immunity does not extend to gross negligence, wanton conduct, or intentional wrongdoing. In those instances, the organization may be liable.</p>	<p>N.C. Gen. Stat. § 115C-332: Each local board is required to make written findings with regard to how it used the criminal history information when making employment decisions and decisions with regard to independent contractors.</p>
North Dakota	<p>N.D. Cent. Code § 12-60-24: State and national criminal history record check.</p> <p>N.D. Cent. Code § 12-60-16.1 "Criminal history record information" includes information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other criminal charges, any dispositions, sentencing, correctional supervision, and release.</p>	<p>N.D. Cent. Code § 12-60-24: Prospective and current employment and volunteer services, including positions where a person may have unsupervised contact with a student. "Unsupervised contact" means being in proximity to one or more students, on school grounds, or at a school function, outside the presence of an individual who has been subject to a criminal history record check.</p>	<p>N.D. Cent. Code § 12-60-24: Office of the adjutant general for employees and volunteers working with youth programs; parks and recreation department; education standards and practice board; board of a school district; board of a multidistrict special education unit; department of human services; board of a regional education association; superintendent of public instruction; and many other state boards, commissions and governing bodies.</p>	<p>None found.</p>	

**Employee and Volunteer Background Checks for Those Working with Children:
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State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Ohio	Ohio Rev. Code Ann. § 109.575: Criminal records check.	Ohio Rev. Code Ann. § 109.575: Prospective or current volunteer service where the volunteer will have unsupervised contact with children on a regular basis. Note: The statute says the volunteers may be subject to a criminal records check. This check does not appear to be mandatory. Ohio Rev. Code Ann. § 109.574: "Unsupervised access to a child" means that the person has access to a child and either (1) no other person 18 years of age or older is present in the same room or (2) if outdoor, no other person 18 years of age or older is within a 30-yard radius of the child or has visual contact with the child.	Ohio Rev. Code Ann. § 109.575: An organization or entity where persons may have unsupervised contact with children. Ohio Rev. Code Ann. § 109.574: " Organization or entity " means athletic, charitable, educational, religious, scientific, or service institution or organization or local government entity that provides care, education, instruction, recreation, training, or treatment to children.	Ohio Rev. Code Ann. § 109.577: If an organization fails to perform criminal background checks, it will not be immune from civil liability.	Ohio Rev. Code Ann. § 109.577: An organization that performs a criminal records check will be immune from civil liability that might be incurred or imposed for any death or any injury or loss to a person or property. The background check requirements do not create a new cause of action or substantive legal right and does not affect any established immunities from civil liability or defenses.
Oklahoma	Okla. Stat. tit. 74, § 150.9a: Nationwide criminal records check.	Okla. Stat. tit. 74, § 150.9a: Request by a qualified entry for a background check for a provider. " Provider " means a person who volunteers or seeks to volunteer with a qualified entity; owns or operates or seeks to own or operate a qualified entity; or has, may have, or seeks to have unsupervised access to children, the elderly, or individuals with disabilities. Note: The statute says the qualified entity <u>may</u> request a criminal records check. This check does not appear to be mandatory.	Okla. Stat. tit. 74, § 150.9a: Qualified entity. "Qualified entity" means any corporate or charitable corporate entity registered with the Oklahoma Secretary of State and volunteer organizations that are not incorporated, but which provides care, education, instruction, recreation, supervision, or training to children, the elderly, or individuals with disabilities. "Care" means education, instruction, recreation services, supervision, training, or treatment to children, the elderly, or individuals with disabilities.	None found.	
Oregon	Or. Rev. Stat. § 329A.030: Criminal records check.	Or. Rev. Stat. § 329A.030: Prospective or current employment contract services, or volunteer services when the person may have unsupervised contact with children.	Or. Rev. Stat. § 329A.030: Child care or treatment provider; prekindergarten program; federal Head Start program; child care facility; metropolitan service district; and a provider of respite services.	Or. Rev. Stat. § 329A.992: Failure to comply with the record check requirement may result in the suspension or revocation of an organization's certification or registration and civil penalties.	

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State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Pennsylvania	<p>23 Pa. Cons. Stat. § 6344.2: National criminal history report, including a state-wide database of alleged perpetrators in pending child abuse investigations.</p> <p>23 Pa. Cons. Stat. § 6344: Criminal history report.</p>	<p>23 Pa. Cons. Stat. § 6344.2: Prospective or current volunteer services where the volunteer will be responsible for the child's welfare or have direct contact with children.</p> <p>23 Pa. Cons. Stat. § 6344: Employment in child-care services. Prospective and current employment at a school.</p>	<p>23 Pa. Cons. Stat. § 6344.2: Child-care service, school or program, or activity or service.</p> <p>23 Pa. Cons. Stat. § 6344: Child-care services, programs, and facilities. Schools.</p>	<p>23 Pa. Cons. Stat. § 6344.2: Misdemeanor in the third degree if the entity intentionally fails to comply with the background check requirements.</p>	<p>23 Pa. Cons. Stat. § 6344.2: An employer, administrator, supervisor, or other person responsible for the selection of volunteers is presumed to have acted in good faith when identifying individuals subject to background checks.</p>
Rhode Island	<p>R.I. Gen. Laws § 16-2-18.1: National and state criminal background check.</p> <p>R.I. Gen. Laws § 16-2-18.4: State criminal background check.</p>	<p>R.I. Gen. Laws § 16-2-18.1: Prospective employment. "Employment" means individuals hired by a school, contractual employees of a school, and those individuals who may have direct or unmonitored contact with children or students who are hired by third parties that have contracted with schools to provide services.</p> <p>R.I. Gen. Laws § 16-2-18.4: Prospective or current volunteers of a public or private school who have direct and unmonitored contact with children or students on school premises.</p>	<p>R.I. Gen. Laws § 16-2-18.1 and R.I. Gen. Laws § 16-2-18.4: Public school department or private school.</p>		
South Carolina	<p>S.C. Code Ann. § 63-13-40: Criminal history check, including a specific check related to abuse or neglect upon a child.</p>	<p>S.C. Code Ann. § 63-13-40: Prospective or current employment when the employee provides care to a child without direct supervision. Note: the background check requirement does not apply to volunteers in any of the organizations if they provide services without compensation and they work in the presence of an operator, employee, or other caregiver.</p>	<p>S.C. Code Ann. § 63-13-40: Childcare center, group childcare home, family childcare home, or church or religious childcare center</p>	<p>None found.</p>	<p>S.C. Code Ann. § 63-13-40: If a person, who has been convicted of one of the enumerated crimes, applies for employment with one of the organizations, the person is guilty of a misdemeanor and may be fined not more than \$5,000 or imprisoned not more than one year.</p>

**Employee and Volunteer Background Checks for Those Working with Children:
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State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
South Dakota	S.D. Codified Laws § 13-10-12: Criminal background investigation.	S.D. Codified Laws § 13-10-12: Prospective and current employment, including temporary employment. Note: this does not apply to a person hired to officiate, judge, adjudicate, or referee a public event sponsored by a school district.	S.D. Codified Laws § 13-10-12: School districts and technical institutes.	None found.	
Tennessee	Tenn. Code Ann. § 71-3-507: Criminal and juvenile records histories; to be completed every five years. Tenn. Code Ann. § 49-5-413: Criminal history records check.	Tenn. Code Ann. § 71-3-507: Prospective employment to work with children; to direct or manage a childcare agency; and to work at a detention center. Application for a license to operate a childcare agency and who will have significant contact with children. This also applies to substitute staff persons, whether paid or unpaid, who will serve as a substitute for more than 36 hours in any one calendar year. Tenn. Code Ann. § 37-1-414: Request by an athletic, charitable, educational, religious, scientific, or youth services institution. Note: The statute says the qualified entity may request a criminal records check. This check does not appear to be mandatory. Tenn. Code Ann. § 49-5-413: Prospective employment as a teacher or other position requiring proximity to school children or to children in child care programs. Also, any person, corporation, or other entity that enters into or renews a contract with a school, local board of education, or child care program if the person or an employee of an entity will have direct contact with school children or children in child care programs or will have access to school grounds or a child care center when children are present.	Tenn. Code Ann. § 71-3-507: Childcare agency or program and detention center. Tenn. Code Ann. § 37-1-414: Athletic, charitable, educational, religious, scientific, or youth services institution. Tenn. Code Ann. § 49-5-413: Local board of education or any child care program.	None found.	Tenn. Code Ann. § 71-3-507: A person may appeal his or her exclusion from a position based on a background check.

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Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Texas	<p>Tex. Gov't Code Ann. § 22.0835, Tex. Gov't Code Ann. § 411.0901, and Tex. Gov't Code Ann. § 411.098: Criminal history record.</p>	<p>Tex. Gov't Code Ann. § 22.0835: Prospective volunteer service and participation in an internship involving student teaching. Note: the criminal history record check does not apply to volunteers who (1) are parents, guardians, or grandparents of a child who is enrolled in the district or school where the person is applying to volunteer; (2) will be accompanied by a school district employee while on a school campus; or (3) is volunteering for a single event on the school campus. The school may, however, request a records check for these volunteers.</p> <p>Tex. Gov't Code Ann. § 411.0901: Prospective or current employment, or contract employment that will involve direct contact with students, by a school district, open-enrollment charter school or shared services agreement if the person's duties are or will be performed at a location where students are regularly present.</p> <p>Tex. Gov't Code Ann. § 411.098: Persons who act as school employees; professional consultants; applicants for permanent, temporary, or consultative employment; student teachers; educational interns; persons who perform ongoing educational projects at the school; and volunteer positions that involve direct interaction with, or the opportunity to interact and associate with, the children or youth attending the school.</p> <p>Tex. Gov't Code Ann. § 411.126: Prospective or current employment or volunteer service. "Employee" or "employee applicant" includes a person who will perform any services that involves the care of or access to a child, an</p>	<p>Tex. Gov't Code Ann. § 22.0835: School district, open-enrollment charter school, or shared services arrangement.</p> <p>Tex. Gov't Code Ann. § 411.0901: Texas Education Agency.</p> <p>Tex. Gov't Code Ann. § 411.098: Texas School for the Blind and Visually Impaired.</p> <p>Tex. Gov't Code Ann. § 411.126: Volunteer Centers. "Volunteer center" means a nonprofit, tax-exempt organization whose primary purpose is to recruit and refer individual volunteers for other nonprofit groups in that area and that is certified as a bona fide volunteer center by the department.</p>	<p>Tex. Gov't Code Ann. § 411.126: A volunteer center is not liable for damages arising out of a failure to perform the criminal history check unless the center's actions were gross negligence or intentional misconduct.</p>	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Utah	Utah Code Ann. § 53A-15-1503 and Utah Code Ann. § 53A-1a-512.5: Criminal background check and ongoing monitoring. Utah Code Ann. § 53A-15-1511: Check of previous qualifying position employers for information regarding any employment action taken or discipline imposed for physical abuse or sexual abuse of a child or students.	Utah Code Ann. § 53A-15-1503 and Utah Code Ann. § 53A-1a-512.5: Prospective employment or employment by non-licensed employees, contract employees, volunteers who will have significant unsupervised access to a student, and a charter school governing board members. Utah Code Ann. § 53A-29-104: Volunteer includes officers and employees who will be given significant unsupervised access to a student in connection with the student's activities as an intern.	Utah Code Ann. § 53A-15-1503: LEA or qualifying private school. Utah Code Ann. § 53A-15-1502: " LEA " means local education agency, or school district, charter school, or the Utah Schools for the Deaf and the Blind.	None found.	
Vermont	Vt. Stat. Ann., tit. 16, § 255: State and federal criminal record information and information from the Child Protection Registry.	Vt. Stat. Ann., tit. 16, § 255: Prospective employment; prospective independent contracts for persons who may have unsupervised contact with school children; employment with a contractor if the person's position may result in unsupervised contact with school children; and student teaching. Vt. Stat. Ann. tit. 16, § 252: " Unsupervised " means not in the presence of a responsible adult in the employ of or under the direction of the independent school or school district.	Vt. Stat. Ann., tit. 16, § 255: Public and independent schools and their contractors.	None found.	Vt. Stat. Ann., tit. 16, § 255: A person may challenge the accuracy of his or her record by appealing to the Vermont Crime Information Center. In July 2017, a "Ban the Box" law will take effect in Vermont. Affected employers will be required to remove any questions regarding criminal history from job applications and may not conduct a background check until the person has been deemed qualified for the position.

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Virginia	Va. Code Ann. § 19.2-392.02: National criminal background check.	Va. Code Ann. § 19.2-392.02: Request by a qualified entity for a background check of any provider employed by the entity. Note: the statute says the qualified entity <u>may</u> request the background check. This check does not appear to be mandatory. "Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.	Va. Code Ann. § 19.2-392.02: Qualified entity. "Qualified entity" means any business or organization that provides care to children, the elderly, or the disabled. "Care" means provisions of care, education, instruction, recreation, supervision, training, or treatments of children, the elderly, or the disabled.	Va. Code Ann. § 19.2-392.02: Failure by the qualified entity to request a criminal background check shall not be considered negligence per se in any civil action.	
Washington	Wash Rev. Code § 43.43.832: Conviction record.	Wash Rev. Code § 43.43.832: Prospective employment or engagement (applicant). Wash Rev. Code § 43.43.830: "Applicant" includes any prospective employee who will or may have unsupervised access to children under 16 years of age or developmentally disabled person or vulnerable adults. It also includes any prospective volunteer who will have regularly scheduled unsupervised access to children under 16 years of age, developmentally disabled persons, or vulnerable adults where such access will or may have groups of (1) five or fewer children under twelve years of age, (2) three or fewer children between twelve and sixteen years of age, (3) developmentally disabled persons, or (4) vulnerable adults.	Wash Rev. Code § 43.43.832: Businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults. Wash Rev. Code § 43.43.830: "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses, or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services. "Business or organization" means a licensed person, business, or organization that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provide child care or early learning, including school districts.	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
West Virginia	W.V. Code § 18A-3-10: Criminal history check.	W.V. Code § 18A-3-10: Application for a license.	W.V. Code § 18A-3-10: Department of Education.	None found.	During the 2016 Legislative Session, House Concurrent Resolution 60 was introduced. It passed the House and was sent to committees in the Senate. H.C.R. 60 acknowledged the importance of background checks to ensure quality care and treatment is provided to minors. It questioned the long delays in the process in West Virginia. It requested that the Legislature study and identify the cause of the law delay in the state-level background check process.
Wisconsin	Wis. Stat. § 118.19: Background investigation check. If there is a reasonable basis for further investigation, there will be a fingerprint-based criminal background check.	Wis. Stat. § 118.19: Prospective licensure or renewal of a license.	Wis. Stat. § 118.19: State superintendent of education.	None found.	Wis. Stat. § 118.19: Checks must be conducted for every person with a license over a five-year period. Wis. Stat. Ann. § 111.335: It is not employment discrimination for an employer to refuse to employ, or to suspend from employment, any individual who is subject to pending criminal charges if the charge substantially related to the circumstances of the job.
Wyoming	Wyo. Stat. Ann. § 21-7-401 and Wyo. Stat. Ann. § 7-19-201: State or national criminal history record information.	Wyo. Stat. Ann. § 21-7-401: All employees hired after July 1, 1996, who may have access to minors. Wyo. Stat. Ann. § 7-19-201: Application for initial certification by professional teach standards board.	Wyo. Stat. Ann. § 21-7-401: School district board of trustees. Wyo. Stat. Ann. § 7-19-201: Teaching standard board.	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Washington, D.C.	<p>D.C. Code § 4-1501.03 and D.C. Code § 4-1501.04: Criminal background check.</p> <p>D.C. Code § 4-1501.02: "Criminal background check" means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.</p>	<p>D.C. Code § 4-1501.03 and D.C. Code § 4-1501.04: Prospective paid employment or employment by a covered child or youth services provider.</p> <p>Prospective volunteer service or volunteer service in an unsupervised position at a child or youth services provider.</p> <p>Note: employees and volunteers who do not have direct contact with children or youth are not required to submit to a criminal background check. Volunteers who have supervised contact are also not required to submit to a criminal background check.</p> <p>D.C. Code § 4-1501.02: "Employee" means an individual who is employed on a full-time, part-time, temporary, or contractual basis by any covered child or youth services provider. "Volunteer" means an individual who works without any monetary or any other financial compensation for a covered child or youth services provider.</p>	<p>D.C. Code § 4-1501.03 and D.C. Code § 4-1501.04: Covered child or youth service provider.</p> <p>D.C. Code § 4-1501.02: "Children" means individuals 12 years of age and under. "Covered child or youth services provider" means any agency providing direct services to children or youth and any private entity that contracts with the District to provide direct services to children or youth, or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individuals and group counseling, therapy, case management, supervision, or mentoring. "Youth" means an individual between 13 and 17 years of age.</p>	None found.	D.C. Code § 4-1501.05.A: A person who is disqualified because of a background check may appeal that disqualification within 30 days of written notice.
Guam	Guam Code Ann. tit. 4, § 2111: Criminal history check.	<p>Guam Code Ann. tit. 4, § 2111: Prospective volunteer services with any agency in the government of Guam, including volunteer applicants of a youth recreational organization.</p> <p>This statute talks about fees being waived for these employees; it doesn't directly speak to the specific background check requirements.</p>	Guam Code Ann. tit. 4, § 2111: All government agencies.	None found.	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Mariana	<p>N. Mar. I. Admin. Code § 55-40.1-101: Criminal records check, background check, and employment history check.</p> <p>N. Mar. I. Admin. Code § 55-40.1-001: "Criminal records check" means obtaining a police clearance, FBI background check, and an examination of local records.</p>	<p>N. Mar. I. Admin. Code § 55-40.1-101: Licensures of a child care center.</p> <p>N. Mar. I. Admin. Code § 55-40.1-226: Prospective employment or volunteer service.</p>	<p>N. Mar. I. Admin. Code § 55-40.1-101: Day care center, group child care home, family child care home, infant/toddler center, and before and after programs.</p> <p>N. Mar. I. Admin. Code § 55-40.1-001: "Child care center" means a place maintained by any individual, organization, or agency for the purpose of providing child care to children between the ages of 2 and 16. It includes day nurseries, nursery school groups, preschool child play groups, parent cooperatives, drop-in child care centers, group child care homes, or other similar units.</p>	None found.	
Puerto Rico	<p>P.R. Law Ann. tit. 8, § 69: Certificate of physical and mental health and a certificate of criminal record.</p>	<p>P.R. Law Ann. tit. 8, § 69: Service at a camp for adolescents or child care facility, including owners administrators, operators, custodians, and employees.</p> <p>P.R. Law Ann. tit. 8, § 68: "Camp" means a permanent or temporary establishment where a program of activities for children is organized and carried out mainly in the open, for purposes of recreation, education, training, or therapy.</p>	<p>P.R. Law Ann. tit. 8, § 69: Department of Education and Department of the Family and their licensed camps and child care facilities.</p>	None found.	
American Samoa	<p>Am. Samoa Code Ann. § 16.1001: A determination of good character and good health.</p>	<p>Am. Samoa Code Ann. § 16.0305: Employment with a school.</p>	<p>Am. Samoa Code Ann. § 16.0305: Public and private schools.</p>	None found	

**Employee and Volunteer Background Checks for Those Working with Children:
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
US Virgin Islands	V.I. Code Ann. tit. 14, § 1729: Virgin Islands Sex Offender Background Check.	V.I. Code Ann. tit. 14, § 1729: Prospective employment or volunteer service at a child-care or child- residential facility. Application for a license for a child- care or child-residential treatment facility. Prospective employment or volunteer service at a school for those who will be in direct contact with children.	V.I. Code Ann. tit. 14, § 1729: Child-care or child-residential facilities. "Child-care facility" means any program for children, and it includes day-care centers, schools, after- school programs, summer programs, and camps. Also, the Department of Education and operators of private and parochial schools.	None found.	

Introduction: Analyzing State Laws That Impact Child Sexual Abuse in Youth Sports

In researching legal issues concerning the sexual abuse of children in youth sports, the LDICP prepared three legislative surveys covering the fifty states and U.S. territories.

LDICP Legislative Surveys of the United States and Its Territories

- Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State
- Employee and Volunteer Background Checks for Those Working with Children: Laws by State
- Mandatory Reporting of Child Abuse: Laws by State

These legislative surveys have been posted on the LDICP website. In making use of these materials, researchers should take note of the following constraints:

Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State

This survey reviews state laws that enhance penalties for child sexual abuse perpetrators who hold a position of authority or position of trust as to the child victim. (Such perpetrators are said to be “within the child’s Circle of Trust.”¹)

- 1) This survey covers only sexual crimes against children. It does not cover other child abuse crimes such as physical or emotional abuse.
- 2) In some states, the law cited constitutes a penalty enhancement for an underlying crime, such as “Child Sexual Abuse.” In other states, the law cited constitutes a separately chargeable crime.
- 3) The penalties listed for each state are the maximums. The specific penalty in a given case is decided at sentencing.
- 4) Each state establishes its own minimum penalty for conviction under its Circle of Trust law. In some states, conviction under the Circle of Trust law may render the offender eligible for probation; in such cases, conviction under the law may result in no incarceration.

Employee and Volunteer Background Checks for Those Working with Children: Laws by State

This survey reviews state laws that require organizations working with children to conduct background checks on potential employees and volunteers. It does not cover background check laws affecting those who do not work with children.

Mandatory Reporting of Child Abuse: Laws by State

This survey reviews state laws that require individuals in certain professions to report suspected child abuse to police or child protective services. It includes information regarding immunity from liability for good-faith reporting, as well as penalties for mandatory reporters who fail to report to police or child protective services.

¹ The term “Circle of Trust” was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Alabama	Code of Ala. § 26-14-3. Includes employees of public school; public and private K-12 employees; school teachers and officials; employees of public and private institutions of postsecondary and higher education; and members of the clergy.	Code of Ala. § 26-14-13. Any person who shall knowingly fail to make required report shall be guilty of a misdemeanor and punished by a sentences of not more than 6 months or a fine of no more than \$500.	Code of Ala. § 26-14-4. Any person who has reasonable cause to suspect that a child is being abused or neglected may report.	
Alaska	Alaska Stat. § 47.17.020. Includes school teachers and school administrative staff members, including coaches.	Alaska Stat. § 47.17.020(b); Alaska Stat. § 12.55.135. Failure to report results in a class A misdemeanor. A defendant convicted of a class A misdemeanor may be sentenced to a term of imprisonment of not more than one year.	Alaska Stat. § 47.17.020(b). Any other person that has reasonable cause to suspect child abuse or neglect.	Alaska Stat. § 47.17.020(b); Alaska Stat. § 47.17.068. Persons who have mandatory reporting capacity may also report in their non-occupational capacities. Permissive reporter's failure to report has the same liability as a mandatory reporter's failure to report. This appears to make permissive reporting mandatory.
Arizona	Ariz. Rev. Stat. § 13-3620(A). Includes school personnel who develop the reasonable belief in the course of their employment and any other person who has responsibility for the care or treatment of the minor.	Ariz. Rev. Stat. § 13-3509; Ariz. Rev. Stat. § 13-702; Ariz. Rev. Stat. § 13-707. A person who violates this section is guilty of a class 1 misdemeanor or Class 6 felony. A Class 6 felony results in a term of imprisonment between .33 and 2 years. A class 1 misdemeanor is punishable by a maximum limit of 6 months incarceration served other than a place within custody of the state department of corrections.	Ariz. Rev. Stat. § 13-3620(f). Any person other than one required to report may report.	
Arkansas	Ark. Code Ann. § 12-18-402. Includes public or private school counselors; school officials; and teachers.	Ark. Code Ann. § 12-18-202; Ark. Code Ann. § 5-4-401. Failure to notify by a mandated reporter is a Class A misdemeanor or Class C misdemeanor. For a Class A misdemeanor, the sentence shall not exceed 1 year. For a Class C misdemeanor, the sentence shall not exceed 30 days.	Ark. Code Ann. § 12-18-401. A person may report when he reasonably suspects or observes maltreatment of a child, a child has died as a result of maltreatment.	

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
California	Cal. Penal Code § 11165.7. Includes a teacher; teacher's aide or assistant employed by a public or private school; administrator of a public or private day camp; classified employee of a public school; and an administrator or employee of a public or private youth center, rec program, or organization.	Cal. Penal Code § 11166(c). Misdemeanor punishable by up to 6 months jail time; a fine of \$1000; or both.	Cal. Penal Code § 11166(g). Any other person who has knowledge of or observes abuse or neglect.	
Colorado	Colo. Rev. Stat. § 19-3-304(2). Includes a public or private school official or employee.	Colo. Rev. Stat. § 19-3-304(4); Colo. Rev. Stat. § 18-1.3-501. Failure to report is a class 3 misdemeanor which is punishable by a minimum sentence of \$50 or maximum sentence of 6 months imprisonment, a \$750 fine, or both.	Colo. Rev. Stat. § 19-3-304(3). Any other person may report known or suspected child abuse or neglect.	Colo. Rev. Stat. § 19-3-304(4). In Colorado, any person who fails to report commits a class 3 misdemeanor and shall be liable for damages proximately caused thereby.
Connecticut	Conn. Gen. Stat. § 17a-101(b). Includes any school employee; any paid youth camp director or assistant director; and any person paid to care for a child in any public or private facility.	Conn. Gen. Stat. § 17a-101a(b). Guilty of a Class A or E misdemeanor. Conn. Gen. Stat. § 53a-36. Class A misdemeanor is punished by a term of imprisonment not to exceed 1 year.	Conn. Gen. Stat. § 17a-101a(b). Any person who has reasonable cause to suspect child abuse or neglect.	
Delaware	Del. Code Ann. tit. 16, § 903. Any person who knows or in good faith suspects child abuse or neglect. "Person" includes school employees.	Del. Code Ann. tit. 16 § 914(a). Whoever violates shall be liable for a civil penalty not to exceed \$10,000 for first violation and not to exceed \$50k for subsequent violations.	Del. Code Ann. tit. 16 § 903. "All persons" who know or in good faith suspects child abuse or neglect shall make a report.	The text of Del. Code Ann. tit. 16, § 903 appears to cover all persons as a mandatory reporter for the state of Delaware.
Florida	Fla. Stat. § 39.201. Any person who knows or has reasonable cause to suspect abuse, abandonment, or neglect shall report such knowledge.	Fla. Stat. § 775.082. A 3rd degree felony is punishable by a term of imprisonment not exceeding 5 years.	Fla. Stat. § 39.201. All persons are considered mandatory reports.	Fla. Stat. § 39.201. According to the text, it seems all persons are considered mandatory reports.
Georgia	Ga. Code Ann. § 19-7-5(c). Includes school teachers; school administrators; and school counselors.	Ga. Code Ann. § 17-10-3. Misdemeanor is punished by fine not to exceed \$1000, up to 12 months confinement in a state probation detention center, or both.	Ga. Code Ann. § 19-7-5(d). Any other person not specified in (c) may report.	

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Hawaii	Haw. Rev. Stat. § 350-1.1. Includes employees or officers of any public or private school, agency, or institution and employees of any public or private agency providing recreational or sports activities.	Haw. Rev. Stat. § 350-1.2. Haw. Rev. Stat. § 706-663. Petty misdemeanor is punishable by a term of imprisonment not to exceed 30 days.	Haw. Rev. Stat. § 350-1.3. Any person not required to report may immediately report.	
Idaho	Idaho Code Ann. § 16-1605. Any person who has reason to believe that a child under 18 has been abused, abandoned, or neglected <u>shall</u> report within 24 hours. This includes school employees.	Idaho Code Ann. § 16-1605. Idaho Code Ann. § 18-113. Failure to report shall be a misdemeanor punishable by imprisonment in county jail not to exceed 6 months, or a fine not exceeding \$1000, or by both.	Idaho Code Ann. § 16-1605. Any person who has reason to believe that a child under 18 has been abused, abandoned, or neglected <u>shall</u> report within 24 hours.	Idaho Code Ann. § 16-1605. All persons are mandatory reporters with specific emphasis on medical personnel and teachers.
Illinois	325 Ill. Comp. Stat. 5/4. Includes school personnel (including administrators, certified and non-certified employees, educational advocates, or truant officers; personnel of institutions of higher education; members of a school board or the Chicago Board of Education; and members of governing body of a private school.	325 Ill. Comp. Stat. 5/4. 730 Ill. Comp. Stat. 5/5-4.5-55. Any physician who willfully fails to report shall be referred to the Medical Disciplinary Bd. Any dentist/dental hygienist who willfully fails to report suspected child abuse or neglect shall be referred to the Department of Professional Regulation. Any other person who willfully fails to report is guilty of a Class A misdemeanor punishable by a term of imprisonment for less than 1 year.	325 Ill. Comp. Stat. 5/4. Any other person may make a report if such person has reasonable cause to believe a child may be abused or neglected.	
Indiana	Ind. Code § 31-33-5-1. An individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report.	Ind. Code § 31-33-5-1. Ind. Code § 35-50-3-3. Class B Misdemeanor is punishable by a term of imprisonment for no more than 180 days; and a fine of not more than \$1000.	Ind. Code § 31-33-5-1. All persons with reason to believe a child is being abused shall make a report.	
Iowa	Iowa Code § 232.69. Licensed school employee, holder of a coaching authorization, instructor employed by a community college. The requirement applies when in the scope of reporter's professional capacity.	Iowa Code § 232.75. Iowa Code § 903.1. Simple misdemeanor punishable by a fine of at least \$65, but not more than \$625; and/or a term of imprisonment not to exceed 30 days.	Iowa Code § 232.69. Any other person who believes a child has been abused.	Iowa Code § 232.69. Iowa's mandatory reporters are only bound to make reports on children 11 years of age and under. For children at least 12 years old, reporting is permissive. Iowa Code § 232.75. In addition to a simple misdemeanor charge, civil liability will result from damages proximately caused by their failure or interference.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Kansas	Kan. Stat. Ann. § 38-2223. Includes teachers, school administrators, and other employees of an education institution that the child is attending.	Kan. Stat. Ann. § 38-2223. Kan. Stat. Ann. § 21-6602. Willful and knowing failure to make a report is a class B misdemeanor punishable by a definite term of confinement in the county jail not to exceed 6 months.	Kan. Stat. Ann. § 38-2223. Any person who has reason to suspect a child is in need of support may report.	Kan. Stat. Ann. § 38-2223. Failure to report because another mandatory reporter made a report is not a defense.
Kentucky	Ky. Rev. Stat. Ann. § 620.030. Includes teachers and school personnel.	Ky. Rev. Stat. Ann. § 620.030. First Offense is a Class B misdemeanor and is punishable by a term of imprisonment not to exceed 90 days. Ky. Rev. Stat. Ann. § 532.090. A fine may be levied as an alternative, or in addition to imprisonment. The fine for a Class B misdemeanor is not to exceed \$250. Ky. Rev. Stat. Ann. § 534.040.	Ky. Rev. Stat. § 620.030. Any person who has reasonable cause to believe a child is being abused or neglected, <u>shall</u> report.	All persons with reasonable cause to believe a child is being abused is a mandatory reporter.
Louisiana	La. Child. Code art. 603(17). Includes coaches; college or university staff members; public and private teachers; school principals; and school staff members.	La. Rev. Stat. Ann. § 14:403. Any person who knowingly/willingly fails to report must pay a fine not more than \$500, imprisoned for not more than 6 months, or both.	La. Child. Code art. 609. Any person having cause to believe a child is endangered as a result of abuse or neglect may report.	La. Child. Code art. 603.1 mandates that in order to receive teacher certification, one must attend an educational workshop on how to identify signs and symptoms of child abuse and neglect.
Maine	Me. Rev. Stat. tit. 22, § 4011-A. Includes teachers; guidance counselors; youth camp administrators; and school officials.	Me. Rev. Stat. tit. 22, § 4014. A party is immune from civil or criminal liability for reporting or participating in an investigation.	Me. Rev. Stat. tit. 22, § 4011-A(1-A), (3). Animal control officer; any person	Me. Rev. Stat. tit. 22, § 4014. Presumption of good faith when reporting abuse.
Maryland	Md. Code Ann., Fam. Law § 5-704. Each educator or human service worker.	Md. Code Ann., Fam. Law § 5-708. A party is immune from civil or criminal liability for reporting or participating in an investigation.	Md. Code Ann., Fam. Law § 5-704.1. Any individual who has reason to believe that a parent, guardian, or caregiver of a child allows the child to reside with or be in the regular presence of an individual, other than the child's parent or guardian, who is a registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child; and based on additional information, poses a substantial risk of sexual abuse to the child	Md. Code Ann., Fam. Law § 5-708. Statute is silent as it pertains to good faith.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Massachusetts	Mass. Ann. Laws ch. 119, § 51A. Includes coaches and teachers.	<p>Mass. Ann. Laws ch. 119, § 51A(g). A party is immune from civil or criminal liability for reporting in good faith if the report is not frivolous and the reporter did not cause the abuse.</p> <p>Mass. Ann. Laws ch. 119, § 51A(C). A mandated reporter who fails to report shall be punished by a fine of not more than \$1,000. If the reporter knows that the abuse or neglect resulted in serious bodily injury or death, and the reporter willfully failed to report, he shall be punished by a fine of not more than \$5,000, or a term of imprisonment not to exceed 2.5 years or both.</p>	Mass. Ann. Laws ch. 119, § 51A. Any person with reason to believe a child is suffering or died as a result of abuse or neglect.	Mass. Ann. Laws ch. 119, § 51A(C). If a person knowingly files a frivolous report, he shall be punished by a fine of not more than \$2,000 for a first offense and a fine and a term of imprisonment for a second offense.
Michigan	Mich. Comp. Laws § 722.623. Includes school administrators; school counselors; and teachers.	Mich. Comp. Laws § 722.625. A reporter is immune from civil or criminal liability if he acts in good faith. Immunity extends only to acts done according to the act.	Mich. Comp. Laws § 722.624. Any person, including a child, who has reason to suspect child abuse	Mich. Comp. Laws § 722.625. There is a presumption of good faith.
Minnesota	Minn. Stat. § 626.556. Includes all persons engaged in the practice of education and child care.	Minn. Stat. § 626.556. A reporter is immune from any civil or criminal liability if the reporter acted in good faith. There is no immunity if the reporter fails to report. A person who fails to report is guilty of a misdemeanor. If a person fails to report and knows or has reason to believe two or more children not related to the perpetrator have been physically or sexually abused by the same perpetrator within the preceding 10 years, he is guilty of a gross misdemeanor.	Minn. Stat. § 626.556. Any person who knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse. .	

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Mississippi	<p>Miss. Code Ann. § 43-21-353. The statute lists the following individuals as mandatory reporters for child abuse and neglect: any public or private school employee, attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialists, child care giver, minister, or law enforcement officer. It also includes the catch-all: "any other person having reasonable cause to suspect that a child is a neglected child or an abused child." This suggests that all persons are mandatory reporters.</p> <p>Miss. Code Ann. § 97-5-51(1)(b). "Mandatory reporter" for sex crimes against minors means any of the following individuals performing their occupational duties: teaching or child care providers; health care practitioners; clergy members; law enforcement officers; and commercial image processors.</p> <p>Miss. Code Ann. § 97-5-51(1)(e). "Teaching or child care provider" means anyone who provides training or supervision of a minor under the age of 16, including a teacher, teacher's aide, principal or staff member of a school, social worker, probation officer, foster home parent, group home or child care institutional staff member, personnel of residential home facilities, and day care providers.</p>	<p>Miss. Code Ann. § 97-5-51(2)(d) and § 43-21-355. A reporter acting in good faith is immune from criminal and civil liability.</p> <p>Miss. Code Ann. § 43-21-353. If a person discloses information about a report of abuse in any manner not provided for in the law is guilty of a misdemeanor.</p> <p>Miss. Code Ann. § 97-5-51(6). A reporter who fails to report will be guilty of a misdemeanor and fined not more than \$500 for a first offense; will be guilty of a misdemeanor and fined not more than \$1,000 or imprisoned not more than 30 days, or both for a second offense; and will be guilty and fined not more than \$5,000, or imprisoned not more than one year, or both for a third or subsequent offense.</p>	<p>Miss. Code Ann. § 43-21-353. "[A]ny other person having reasonable cause to suspect that a child is a neglected child or an abused child" is a mandatory reporter.</p>	<p>Miss. Code Ann. § 97-5-51(2)(d) and § 43-21-355. A reporter is presumed to be acting in good faith.</p>
Missouri	<p>Mo. Rev. Stat. § 210.115. Includes teachers, principals, school officials, child care workers, and any person with the responsibility of the care of children.</p>	<p>Mo. Rev. Stat. § 210.165. [Effective until January 2, 2017] Any person violating this statute is guilty of a class A misdemeanor and may be imprisoned for no longer than one year and not less than six months. Mo. Rev. Stat. § 557.021 and § 558.011. [Effective until January 1, 2017]</p>	<p>Mo. Rev. Stat. § 210.115. Any person who has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect.</p>	<p>Mo. Rev. Stat. § 352.400. This statute mandates ministers as mandatory reporters.</p>

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Montana	Mont. Code Ann. § 41-3-201. Includes teachers, school officials, and other employees who work during school hours.	Mont. Code Ann. § 41-3-203. Any person who reports in good faith is immune from civil and criminal liability. Mont. Code Ann. § 41-3-207. Any person who fails to report is guilty of a misdemeanor and may be civilly liable for damage caused by that failure.	Mont. Code Ann. § 41-3-201. Any person who has reasonable cause to suspect a child has been abused or neglected.	Mont. Code Ann. § 41-3-201. Clergy or priest not required to make a report if he/she gets a statement from another in a communication required to be confidential by church doctrine, etc. Immune from liability unless bad faith report.
Nebraska	Neb. Rev. Stat. § 28-711. All people who have reasonable cause to suspect child abuse, including school employees.	Neb. Rev. Stat. § 28-716. Any person who reports or participates in an investigation shall be immune from civil or criminal liability except for maliciously false statements. Neb. Rev. Stat. § 28-717. Any person who willfully fails to report is guilty of a Class III misdemeanor and may be imprisoned for no more than three months, fined \$500, or both.	N/A because all people are reporters.	Neb. Rev. Stat. § 28-707. The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation.
Nevada	Nev. Rev. Stat. § 432B.220. Includes any school employee and any person employed by an entity that provides organized activities to children.	Nev. Rev. Stat. § 432B.240. Any mandatory reporter that fails to make a report is guilty of a misdemeanor for the first violation, and a gross misdemeanor for each subsequent violation.	Nev. Rev. Stat. § 432B.220. Any person who has knowledge of or reasonably believes child abuse or neglect is occurring.	
New Hampshire	N.H. Rev. Stat. Ann. § 169-C:29. Any person having reason to suspect child abuse or neglect, including a teacher, school official, counselor, and child-care worker.	N.H. Rev. Stat. Ann. § 169-C:31. A person who reports in good faith is immune from civil or criminal liability. N.H. Rev. Stat. Ann. § 169-C:39. Anyone who knowingly fails to report is guilty of a misdemeanor and if charged with a Class A misdemeanor may be sentenced to imprisonment or fined. If charged with a Class B misdemeanor, the person may not be incarcerated, but may be fined and sanctioned.	N/A because all people are mandatory reporters.	N.H. Rev. Stat. Ann. § 169-C:32. Attorneys are not required to report if it violates attorney-client privilege.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
New Jersey	N.J. Stat. Ann. § 9:6-8.10. Any person who has reasonable cause to suspect child abuse.	N.J. Stat. Ann. § 9:6-8.13. Any person who reports abuse pursuant to the act is immune from criminal or civil liability. N.J. Stat. Ann. § 9:6-8.14. A person who fails to report is a "disorderly person" and may be sentenced to no more than 6 months in jail.	N/A because all people are reporters.	
New Mexico	N.M. Stat. § 32A-4-3. Any person that has knowledge or has reasonable suspicion that a child is being abused or neglected, including a school teacher and school official. No duty to report if the information is privileged as a matter of law.	N.M. Stat. § 32A-4-5. Any person who reports in good faith shall be immune from civil or criminal liability. N.M. Stat. § 32A-4-33. Any person who fails to report, or obstructs reporting, is guilty of a misdemeanor and may be imprisoned for no more than one year, fined not more than \$1,000, or both.	N/A because all people are reporters.	N.M. Stat. § 32A-4-5. A reporter is presumed to have acted in good faith, but that presumption is rebuttable.
New York	N.Y. Soc. Serv. Laws § 413. Includes school employees required to hold a temporary coaching license or professional coaching certificate, school officials, teachers, school administrators, and camp directors.	N.Y. Soc. Serv. Laws § 419. Any person who reports in good faith shall be immune from civil or criminal liability. N.Y. Soc. Serv. Laws § 420. Any mandated reporter who willfully fails to report shall be guilty of a class A misdemeanor and may be imprisoned for no more than one year. Additionally, the person is civilly liable for the damages proximately caused by such failure.	N.Y. Soc. Serv. Laws § 414. Any person may make a report if there is reasonable cause to suspect child abuse or maltreatment.	N.Y. Soc. Serv. Laws § 419. A reporter is presumed to have acted in good faith, but that presumption can be rebutted if there was willful misconduct or gross negligence.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
North Carolina	<p>N.C. Gen. Stat. § 7B-301. All people who have cause to suspect a child is abused, neglected, or dependent.</p>	<p>N.C. Gen. Stat. § 7B-309. Any person who reports in good faith will be immune from civil and criminal liability.</p> <p>N.C. Gen. Stat. § 7B-301. Any person or institution who knowingly fails to report or prevents another from reporting is guilty of a class 1 misdemeanor and may be imprisoned for no more than 45 days, fined, or both.</p>	<p>N/A because all people are reporters.</p>	<p>N.C. Gen. Stat. § 7B-309. Any person who reports is presumed to act in good faith.</p> <p>N.C. Gen. Stat. § 7B-310. No privilege except attorney-client privilege is grounds for failing to report.</p>
North Dakota	<p>N.D. Cent. Code § 50-25.1-03. Includes school teachers or administrators, school counselors, and child care workers.</p>	<p>N.D. Cent. Code § 50-25.1-09. Any person who reports in good faith, other than the violator, is immune from civil or criminal liability.</p> <p>N.D. Cent. Code § 50-25.1-13. Any person who fails to report is guilty of a class B misdemeanor and may be imprisoned for no more than 30 days, fined \$1,500, or both. Any person who willfully makes a false report is guilty of a class B misdemeanor; if the false report is to law enforcement, the person is guilty of a class A misdemeanor and may be imprisoned for no more than one year, fined \$3,000, or both. A person who makes a false report is also liable in a civil action for all damage caused by the false report.</p>	<p>N.D. Cent. Code § 50-25.1-03. Any person who has reasonable cause to suspect a child is abused or neglected, or has died as a result of either.</p>	<p>N.D. Cent. Code § 50-25.1-13. Class B misdemeanor for willful false reports, Class A misdemeanor for a willful false report to a law enforcement officer.</p> <p>N.D. Cent. Code § 50-25.1-09. Any person who reports is presumed to have acted in good faith.</p>

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Ohio	Ohio Rev. Code Ann. § 2151.421. Includes school employees, school authorities, teachers, and administrators and employees of day camps.	Ohio Rev. Code Ann. § 2151.421. Any person who reports in good faith shall be immune from civil or criminal liability. Ohio Rev. Code Ann. § 2151.421(M). A reporter who fails to report is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. Ohio Rev. Code Ann. § 2921.14. A reporter who knowingly makes a false report, or causes another to, is guilty of a first-degree misdemeanor.	Ohio Rev. Code Ann. § 2151.421. Any person who knows or has reasonable cause to suspect a child has suffered or faces a threat of suffering from abuse or neglect.	Ohio Rev. Code Ann. § 2921.14. Any permissive reporter who knowingly makes or causes another person to make a false report of child abuse or neglect is guilty of a misdemeanor of the first degree.
Oklahoma	Okla. Stat. tit. 10A, § 1-2-101. Every person having reason to believe that a child is a victim of abuse or neglect.	Okla. Stat. tit. 10A, § 1-2-104. Any person who reports in good faith is immune from civil or criminal liability. Okla. Stat. tit. 10A, § 1-2-101. Any person who fails to report, or interferes with the reporting of, suspected child abuse shall be guilty of a misdemeanor. Any person with prolonged knowledge of ongoing child abuse or neglect who willfully fails to report shall be guilty of a felony.	N/A because all people are mandatory reporters.	Okla. Stat. tit. 10A, § 1-2-104. Any person who reports is presumed to have acted in good faith. Okla. Stat. tit. 10A, § 1-2-101. No privilege or contract relieves a person of a duty to report. Okla. Stat. tit. 10A, § 1-2-101. Any person who knowingly and willfully makes a false report shall be guilty of a misdemeanor.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Oregon	<p>Or. Rev. Stat. § 419B.010. Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.</p> <p>Or. Rev. Stat. § 419B.005. "Public or private official" includes youth coaches and trainers, employees of organizations providing child-related services or activities such as day camps, and school employees.</p>	<p>Or. Rev. Stat. § 419B.025. Any person who reports in good faith is immune from civil or criminal liability.</p> <p>Or. Rev. Stat. § 419B.010. Any person who fails to report is guilty of a Class A violation and may be fined no more than \$435.</p>	<p>Or. Rev. Stat. § 419B.015. Any person may voluntarily make a report.</p>	<p>Or. Rev. Stat. § 419B.016. A person making a false report of child abuse is guilty of a Class A violation and may be fined no more than \$435.</p> <p>Or. Rev. Stat. § 419B.010. Psychiatrists, psychologists, clergy members, attorneys, and guardians ad litem are not required to report if the communication was privileged.</p>
Pennsylvania	<p>23 Pa. Cons. Stat. § 6311. Includes school employees and individuals (paid or unpaid) who are responsible for a child's welfare or has direct contact with children through activity or services</p>	<p>23 Pa. Cons. Stat. § 6318. Any person who reports in good faith is immune from civil or criminal liability.</p> <p>23 Pa. Cons. Stat. § 6319. If a reporter willfully fails to report, the child abuse constitutes a felony of the first degree or higher, and the person has direct knowledge of the nature of the abuse, then the person is guilty of a felony of the third degree and may be imprisoned for no more than seven years, fined no more than \$15,000, or both. Otherwise, the person who failed to report is guilty of a misdemeanor of the second degree and may be imprisoned for no more than two years, fined no more than \$5,000, or both.</p>	<p>23 Pa. Cons. Stat. § 6312. Any person that has reasonable cause to suspect that a child is a victim of child abuse.</p>	<p>23 Pa. Cons. Stat. § 6318. A person who reports is presumed to have acted in good faith.</p>

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Rhode Island	R.I. Gen. Laws § 40-11-3 Any person who has reasonable cause to know or suspect any child has been abused or neglected.	R.I. Gen. Laws § 40-11-4. Any person who reports in good faith is immune from civil and criminal liability. R.I. Gen. Laws § 40-11-6.1 Any person who fails to report, or prevents any person from doing so, is guilty of a misdemeanor and may be imprisoned for no more than one year, fined no more than \$500, or both. This person will also be civilly liable for the damages proximately caused for the failure to report.	N/A because all people are mandatory reporters.	R.I. Gen. Laws §40-11-3.2. Any person who knowingly and willfully makes or causes to be made a false report of child abuse or neglect is guilty of a misdemeanor and may be imprisoned for no more than one year, fined not more \$1,000, or both.
South Carolina	S.C. Code Ann. § 63-7-310. Includes school teachers, counselors, principals, assistant principals, and school attendance officer.	S.C. Code Ann. § 63-7-390. A person who reports in good faith is immune from civil and criminal liability. S.C. Code Ann. § 63-7-410. A person who knowingly fails to report is guilty of a misdemeanor and may be imprisoned for not more than six months, fine not more than \$500, or both.	Any person can be a permissive reporter.	S.C. Code Ann. § 63-7-390. A person who reports is presumed to have acted in good faith. That presumption can be rebutted. S.C. Code Ann. § 63-7-440, 430. A person who knowingly makes a false report is guilty of a misdemeanor and may be imprisoned for not more than 90 days, fined not more than \$5,000, or both. The person may also be liable for civil damages.
South Dakota	S.D. Codified Laws § 26-8A-3. Includes teachers, school counselors, school officials, and employees or volunteers of a child advocacy organization or child welfare provider. S.D. Codified Laws § 26-8A-7. Any person who has contact with a child through the performance of services in any public or private school, including, teacher, school nurse, school counselor, and school official or administrator.	S.D. Codified Laws § 26-8A-14. A person who reports in good faith is immune from civil and criminal liability. S.D. Codified Laws § 26-8A-3 and S.D. Codified Laws § 26-8A-7. Any person who fails to report is guilty of a Class 1 misdemeanor.	S.D. Codified Laws § 26-8A-3. Any person who knows or has reason to suspect that a child has been abused or neglected.	

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Tennessee	<p>Tenn. Code Ann. § 37-1-403. Any person who has knowledge of or is called upon to render aid to any child who suffered injuries likely caused by brutality, abuse or neglect.</p> <p>Tenn. Code Ann. § 37-1-605. Any person, including authority figures at community facilities used for recreation or social assemblies, school teachers, other school officials and personnel, who knows or has reasonable cause to suspect a child has been sexually abused.</p>	<p>Tenn. Code Ann. § 37-1-410. A health care worker who reports under § 37-1-403 in good faith will have civil and criminal immunity.</p> <p>Tenn. Code Ann. § 37-1-613. Any person who acts in good faith, if authorized and required by the statute, will be immune from civil or criminal liability.</p> <p>Tenn. Code Ann. § 37-1-615. Any person who fails to report known or suspected child sexual abuse, or prevents another from doing so, is guilty of a Class A misdemeanor and may be imprisoned for no more than 11 months and 29 days, fined no more than \$2,500, or both.</p>	All persons over the age of 18 may be mandatory reporters.	
Texas	<p>Tex. Fam. Code Ann. § 261.101. Every person is a mandatory reporter, including lawyers and clergy.</p>	<p>Tex. Fam. Code Ann. § 261.106. A person acting in good faith is immune from civil and criminal liability.</p> <p>Tex. Fam. Code Ann. § 261.109. A person who fails to report is guilty of a Class A misdemeanor if the person is a professional.</p>	N/A because all people are reporters.	<p>Tex. Fam. Code Ann. § 261.107. Punishment for false report is a state jail felony. Liable to state for civil penalty of \$1,000.</p>
Utah	<p>Utah Code Ann. § 62A-4a-403. Any person who has reason to believe that child abuse occurred except for clergy who learned about the abuse through confession of the perpetrator.</p>	<p>Utah Code Ann. § 62A-4a-410. Any person who reports in good faith is immune from liability.</p> <p>Utah Code Ann. § 62A-4a-411. A person who fails to report is guilty of a Class B Misdemeanor.</p>	Any person can be a permissive reporter.	

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Vermont	Vt. Stat. Ann., tit. 33, § 4913. Includes school teachers, student teachers, guidance counselors, school principals, camp owners or administrators, and camp counselors.	Vt. Stat. Ann., tit. 33, § 4913(f)(1). Any person other than the suspect, who acts in good faith is immune from any civil or criminal liability. Vt. Stat. Ann., tit. 33, § 4913(h). A person who fails to report shall be fined not more than \$500. If the person fails to report with the intent to conceal abuse or neglect, the person shall be imprisoned for not more than 6 months, or fined not more than \$1,000, or both.	Vt. Stat. Ann., tit. 33, § 4913(e). Any other person who has reasonable cause to believe that abuse occurred can report.	
Virginia	Va. Code Ann. § 63.2-1509. Includes teachers; any athletic coach, directors or other persons 18 years of age or older employed by or volunteering with a private sports organization or team; and persons employed by any school.	Va. Code Ann. § 63.2-1509(D). Any person who fails to report may be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration a person fails to report is guilty of a Class 1 misdemeanor.	Va. Code Ann. § 63.2-1510. Any person who suspects that a child has been abused or neglected may make a complaint.	Va. Code Ann. § 63.2-1509: Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report. Va. Code Ann. § 63.2-1510: Complaints by others of certain injuries to children. Va. Code Ann. § 63.2-1509(C) - Any person who testifies in a judicial proceeding has immunity, unless the person acted in bad faith or with malicious intent.
Washington	Wash. Rev. Code §26.44.030. Person in supervisory role with nonprofit or for-profit organization, provided the person accused is employed or volunteers with the organization and coaches, trains, educates children or has unsupervised access to a child. Administrative and academic or athletic department employees, student employees, and institutions of higher education. Any person who has reasonable cause to believe abuse has occurred.	Wash. Rev. Code §26.44.060. Person in good faith making report is immune from any liability. Wash. Rev. Code §26.44.080. Any person who fails to report is guilty of a gross misdemeanor and may be imprisoned up to 364 days in county jail, or fined \$5,000 or less, or both.	Any person who has reasonable cause to believe abuse has occurred is a mandatory reporter.	Wash. Rev. Code §26.44.030. Mandatory reporters have 48 hours to report.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
West Virginia	W. Va. Code § 49-2-803. School teachers, coaches or volunteers of an entity that provides organized activities for children, or any person over the age of 18 that receives disclosure from a credible witness or observes the abuse.	W. Va. Code § 49-2-812. Any person who fails to report or prevents another from reporting is guilty of a misdemeanor. Confined in jail not more than 90 days or fined not more than \$5,000, or both fined and confined.	Any person can be a permissive reporter.	
Wisconsin	Wis. Stat. § 48.981(2). Includes school teachers, school administrators, school counselors, and all school employees.	Wis. Stat. § 48.981(4). Any person who makes report in good faith are immune from liability, civilly and criminally. Wis. Stat. § 48.981(6). Whoever fails to report as required may be fined \$1,000 or imprisoned not more than 6 months, or both.	Wis. Stat. § 48.981(2)(c). Any person not otherwise specified, including an attorney, who has reason to suspect that a child has been abused or neglected or who has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may report.	Wis. Stat. § 48.981(2)(e). No person making a good faith report may be discharged from employment, disciplined, or discriminated against in regards to employment. Wis. Stat. § 48.981(2m). A healthcare reporter, or person who obtains information about a child from a healthcare provider, is not required to report: Unless abuse likely occurred with caregiver, child has mental illness or is incapable of understanding the act, the child due to age or immaturity could not understand the act, child was unconscious or unable to communicate unwillingness, other participant was exploiting the child. (3) Members of clergy does not have to report.
Wyoming	Wyo. Stat. Ann. § 14-3-205. Any person who knows or has reasonable cause to believe or suspect that a child is abused or who observes any child being subjected to circumstance that would reasonable result in abuse.	Wyo. Stat. Ann. § 14-3-209. Any person participating in a good faith report is immune from criminal and civil liability.	All persons over the age of 18 are mandatory reporters.	Wyo. Stat. Ann. § 14-3-205 (d). Any person who knowingly and intentionally makes a false report of child abuse or neglect, or who encourages or coerces another person to make a false report of child abuse or neglect, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months, a fine of not more than \$750.00, or both.
Washington, D.C.	D.C. Code § 4-1321.02. Includes school officials, teachers, and athletics coaches.	D.C. Code § 4-1321.04. Any person or institution in good faith in the making of a report shall be immune from liability, civil or criminal. D.C. Code § 4-1321.07. Any person required to make a report who willfully fails to make such a report shall be fined, or imprisoned not more than 180 days, or both.	Any person can be a permissive reporter.	

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
Guam	Guam Code Ann. tit. 19, § 13201. Any person who, in the course of his or her employment, occupation, or practice of his or her profession, comes into contact with children shall, including school administrators, school teachers, school nurses, and school counselors.	Guam Code Ann. tit. 19, § 13206. Any person making a good faith effort to report or engage in proceedings will have civil and criminal immunity. Guam Code Ann. tit. 19, § 13207. Any person who fails to report is guilty of a misdemeanor and is punishable by confinement for a term not to exceed 6 months, by a fine of not more than \$1,000, or by both.	Guam Code Ann. tit. 19, § 13202. Any person can be a permissive reporter if that person has a reasonable cause to suspect that a child is an abused or neglected child.	
Mariana	6 N. Mar. I. Code § 5313. Any school teacher or other school official.	6 N. Mar. I. Code § 5314. Any person making a good faith effort to make a report shall be immune from any and all civil or criminal liability. 6 N. Mar. I. Code § 5315. Knowing or willful failure to report shall be punished by imprisonment for up to 1 year, or a fine of \$1,000, or both.	6 N. Mar. I. Code § 5313(c). Any person not obligated to do so, may report known or suspected instances of child abuse.	6 N. Mar. I. Code § 5316. Knowing or willful interference by any person with the good-faith efforts of any person making or attempting to make a report shall be punished by up to 1 year imprisonment, or fine of \$1,000, or both.
Puerto Rico	P.R. Law Ann. tit. 8, § 446. Professionals or public officials, public, private, and privatized entities which, in their professional capacity and in the performance of their duties, may learn of or come to suspect that a minor is, has been, or is at risk of becoming a victim of abuse, and/or institutional neglect.	P.R. Law Ann. tit. 8, § 450a. Any person who voluntarily and deliberately fails to report shall be sanctioned by a fine up to \$5000 or by imprisonment up to 90 days.	Any person can be a permissive reporter.	P.R. Law Ann. tit. 8, § 450a. Any person who deliberately prevents another person from reporting, who deliberately furnishes false information, or who advises another person to do so is guilty of a misdemeanor and may be fined up to \$5000 or imprisoned up to 90 days. P.R. Law Ann. tit. 8, § 446. Information provided in good faith by any persons, officials, or institutions bound to mandatorily report are immune from civil or criminal action.
American Samoa	Am. Samoa Code Ann. § 45.2002(A). Anyone that has reasonable cause to know or suspect that a child has been abused or neglected, including any health-related employee, school employee, social worker or child care provider.	Am. Samoa Code Ann. § 45.2002(D). Mandatory reporters who fail to report commit a Class A felony and are liable for those damages proximately caused.	Am. Samoa Code Ann. § 45.2002(C). Any persons are urged and authorized to report known or suspected child abuse or neglect and circumstances and conditions which might reasonably result in child abuse or neglect to a the department or the agency.	Am. Samoa Code Ann. § 45.2012. Any person participating in good faith in the preparation of a report is immune from any liability, civil or criminal, that otherwise might result by reason of the reporting.

Mandatory Reporting of Child Abuse: Laws by State

State	Mandatory Reporters	Mandatory Reporter Liability	Permissive Reporters	Other Distinguishing Information
US Virgin Islands	V.I. Code Ann. tit. 5, § 2533. School teachers or other school personnel, that suspect or observe a child has been abused.	V.I. Code Ann. tit. 5, § 2539. Mandatory reporters who knowingly fail to report shall be guilty of a misdemeanor and fined not more than \$500, or imprisoned not more than a year, or both.	V.I. Code Ann. tit. 5, § 2533. Any person who has reasonable cause to suspect that a child has been abused or neglected or observes the child has been abused or neglected or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect may report it.	V.I. Code Ann. tit. 5, § 2537. Any person acting in good faith, by reporting abuse, is immune from any civil or criminal liability.