

Child Abuse FAQs

What is child abuse?

Under Alabama law, it is "harm or threatened harm to a child's health or welfare which can occur through nonaccidental physical or mental injury; sexual abuse or attempted sexual abuse; sexual exploitation or attempted sexual exploitation."

What is child neglect?

Under Alabama law, it is "negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, clothing, or shelter: provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it."

Must I report suspected child abuse and/or neglect?

Some people are required, by law, to report suspected abuse or neglect, but anyone is encouraged to make a report if he or she suspects a child is being abused or neglected. Those required, by law, to report include doctors, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, law enforcement officials, pharmacists, social workers, day care workers or employees, and mental health professionals. Also required to report are persons called upon to render aid or medical assistance to any child when the child is known or suspected to be a victim of abuse or neglect.

How can I be certain that a child has been abused or neglected?

Certainty is not required. In most instances, the only way you could be absolutely certain that a child had been abused or neglected would be if the parent or other person admitted it. All that is required is a reasonable suspicion that a child is a victim of abuse or neglect. After investigating the report, the department determines whether abuse and/or neglect occurred.

To whom must I report?

You should make your report to your chief of police or sheriff, or to the Department of Human Resources. When a report is made to a law enforcement official, he must inform the

department so that protective services to the child or children involved may be provided.

When must I report?

If you are among those persons required to report child abuse and neglect and you learn of a child whose condition or injuries are not reasonably explainable as accidental, or if you are called on to treat such injuries, you must report immediately by telephone or in person. The law also requires you to follow your oral report with a written one. The Department of Human Resources has a form for your written report.

What must I report?

Both oral and written reports should include the name of the child, his whereabouts, the names and addresses of the parents or guardian, and a description of the child's condition.

Don't delay reporting if you don't have all of this information, as it can be obtained later.

How am I protected?

All persons reporting suspected abuse or neglect (whether required by law to report or not) are presumed to be acting in good faith. They are, by law, immune from legal action, civil or criminal, that might otherwise be taken. Thus, you have full protection in the event a parent or someone else should seek to initiate action against you.

Will I have to testify in court?

That depends on the nature and severity of the case, whether court action is initiated to remove the child from the home, and whether the alleged party is prosecuted on a criminal charge.

The law is specific: "the doctrine of privileged communication shall not be a ground for excluding any evidence regarding a child's injuries or the cause thereof."

What happens to the child?

Generally, Alabama law requires the Department of Human Resources "to seek out, through investigation, complaints from citizens, or otherwise, the minor children...in need of its care and protection and ... aid such children to a fair opportunity in life."

The department works closely with the child and the parents or caretaker through direct counseling or referral to appropriate helping professionals or agencies. The purpose of providing these services is to keep the family unit together, if possible.

If removal of the child from his home is necessary, the department will petition the court for custody and make plans for substitute care of the child.

The department will continue to work with the child and seek to work with the parents to prepare them for the time when the child may be returned to their home or receive continued care elsewhere.

All programs of the Department of Human Resources are administered in accordance with the Civil Rights Act of 1964 and the Rehabilitation Act of 1973.

Prepared by the Public Affairs Office for the:
Family and Children's Services Division
Office of Protective Services
State of Alabama
Department of Human Resources
DHR Pamphlet Series 76-2
Revised 7-88