

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 63.2-1509 of the Code of Virginia, relating to requirement that certain*
 3 *injuries be reported by physicians, nurses, teachers, etc.; penalties for failure to report.*

4 [H 1414]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 63.2-1509 of the Code of Virginia is amended and reenacted as follows:**8 **§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses,**
 9 **teachers, etc.; penalty for failure to report.**10 A. The following persons who, in their professional or official capacity, have reason to suspect that a child
 11 is an abused or neglected child, shall report the matter immediately to the local department of the county or
 12 city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the
 13 Department's toll-free child abuse and neglect hotline:

14 1. Any person licensed to practice medicine or any of the healing arts;

15 2. Any hospital resident or intern, and any person employed in the nursing profession;

16 3. Any person employed as a social worker or family-services specialist;

17 4. Any probation officer;

18 5. Any teacher or other person employed in a public or private school, kindergarten, or child day program,
 19 as that term is defined in § 22.1-289.02;

20 6. Any person providing full-time or part-time child care for pay on a regularly planned basis;

21 7. Any mental health professional;

22 8. Any law-enforcement officer or animal control officer;

23 9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;

24 10. Any professional staff person, not previously enumerated, employed by a private or state-operated
 25 hospital, institution, or facility to which children have been committed or where children have been placed
 26 for care and treatment;27 11. Any person 18 years of age or older associated with or employed by any public or private organization
 28 responsible for the care, custody, or control of children;29 12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et
 30 seq.) of Chapter 1 of Title 9.1;31 13. Any person 18 years of age or older who has received training approved by the Department of Social
 32 Services for the purposes of recognizing and reporting child abuse and neglect;33 14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for
 34 public assistance;35 15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5,
 36 unless such provider immediately reports the matter directly to the attending physician at the hospital to
 37 which the child is transported, who shall make such report forthwith;38 16. Any athletic coach, director, or other person 18 years of age or older employed by or volunteering
 39 with (i) a public or private sports organization or team or (ii) *the athletics program of a public or private*
 40 *elementary or secondary school, including interscholastic teams and clubs;*41 17. Administrators or employees 18 years of age or older of public or private day camps, youth centers
 42 and youth recreation programs;43 18. Any person employed by a public or private institution of higher education other than an attorney who
 44 is employed by a public or private institution of higher education as it relates to information gained in the
 45 course of providing legal representation to a client;46 19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or
 47 denomination usually referred to as a church, unless the information supporting the suspicion of child abuse
 48 or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a
 49 confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; and

50 20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

51 If neither the locality in which the child resides nor where the abuse or neglect is believed to have
 52 occurred is known, then such report shall be made to the local department of the county or city where the
 53 abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.54 If an employee of the local department is suspected of abusing or neglecting a child, the report shall be
 55 made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a
 56 report by the court, the judge shall assign the report to a local department that is not the employer of the

57 suspected employee for investigation or family assessment. The judge may consult with the Department in
58 selecting a local department to respond to the report or the complaint.

59 If the information is received by a teacher, staff member, resident, intern, or nurse in the course of
60 professional services in a hospital, school, or similar institution, such person may, in place of ~~said~~ *such*
61 report, immediately notify the person in charge of the institution or department, or his designee, who shall
62 make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge
63 of the institution or department, or his designee, pursuant to this subsection, such person shall notify the
64 teacher, staff member, resident, intern, or nurse who made the initial report when the report of suspected child
65 abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect
66 hotline, and of the name of the individual receiving the report, and shall forward any communication
67 resulting from the report, including any information about any actions taken regarding the report, to the
68 person who made the initial report.

69 The initial report may be an oral report but such report shall be reduced to writing by the child abuse
70 coordinator of the local department on a form prescribed by the Board. Any person required to make the
71 report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or
72 neglect of the child and, upon request, shall make available to the child-protective services coordinator and
73 the local department, which is the agency of jurisdiction, any information, records, or reports that document
74 the basis for the report. All persons required by this subsection to report suspected abuse or neglect who
75 maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency
76 and shall make related information, records, and reports available to the investigating agency unless such
77 disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of
78 such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399.
79 Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by
80 the investigating agency nor shall they be subject to public disclosure.

81 B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the
82 special medical needs of infants affected by substance exposure, include (i) a finding made by a health care
83 provider within six weeks of the birth of a child that the child was born affected by substance abuse or
84 experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health
85 care provider within four years following a child's birth that the child has an illness, disease, or condition that,
86 to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during
87 pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that
88 the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to
89 suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied
90 upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or
91 neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i),
92 (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established
93 by the hospital pursuant to subdivision B 6 of § 32.1-127.

94 C. For purposes of subsection A, "reason to suspect that a child is an abused or neglected child" includes
95 any suspected violation of §§ 18.2-370 through 18.2-370.6 or § 18.2-374.3 involving a child.

96 D. Any person who makes a report or provides records or information pursuant to subsection A or who
97 testifies in any judicial proceeding arising from such report, records, or information shall be immune from
98 any civil or criminal liability or administrative penalty or sanction on account of such report, records,
99 information, or testimony, unless such person acted in bad faith or with malicious purpose.

100 ~~D.~~ E. Any person required to file a report pursuant to this section who fails to do so as soon as possible,
101 but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect,
102 shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In
103 cases evidencing acts or attempted acts of rape, sodomy, aggravated sexual battery, or object sexual
104 penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and
105 intentionally fails to make the report required pursuant to this section is guilty of a Class 1 misdemeanor.

106 F. Where such reportable offense is alleged to have occurred at a private or state-operated hospital,
107 institution, or facility to which children have been committed or where children have been placed for care
108 and treatment, and a person is required to file a report pursuant to this section and fails to do so as soon as
109 possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or
110 neglect, such person is guilty of a Class 1 misdemeanor. A second or subsequent conviction of this subsection
111 is a Class 6 felony.

112 ~~E.~~ G. No person shall be required to make a report pursuant to this section if the person has actual
113 knowledge that the same matter has already been reported to the local department or the Department's
114 toll-free child abuse and neglect hotline.

115 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
116 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
117 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
118 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**

119 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
120 **Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the**
121 **custody of the Department of Juvenile Justice.**

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