

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 465

SENATORS TRUMP, BOSO, FERNS, BALDWIN, AND CLINE,

original sponsors

[Passed March 7, 2018; in effect 90 days from passage]

1 AN ACT to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended,
2 relating generally to mandated reporting of child abuse and neglect; clarifying that sexual
3 abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the
4 time period in which a mandated reporter is required to report suspected abuse or neglect;
5 requiring mandated reporters to directly report known or suspected abuse or neglect;
6 eliminating certain broad reporting requirements applicable to any person over the age of
7 18; clarifying that minors are not mandated reporters; eliminating certain exceptions to the
8 reporting time limit; eliminating particularized reporting requirements for education
9 employees; and eliminating provisions pertaining to conduct involving students or students
10 and school personnel.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.

1 (a) Any medical, dental, or mental health professional, Christian Science practitioner,
2 religious healer, school teacher or other school personnel, social service worker, child care or
3 foster care worker, emergency medical services personnel, peace officer or law-enforcement
4 official, humane officer, member of the clergy, circuit court judge, family court judge, employee of
5 the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee,
6 coach or volunteer of an entity that provides organized activities for children, or commercial film
7 or photographic print processor who has reasonable cause to suspect that a child is neglected or
8 abused, including sexual abuse or sexual assault, or observes the child being subjected to
9 conditions that are likely to result in abuse or neglect shall immediately, and not more than 24
10 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health
11 and Human Resources. In any case where the reporter believes that the child suffered serious
12 physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to
13 the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.

14 Any person required to report under this article who is a member of the staff or volunteer of a
15 public or private institution, school, entity that provides organized activities for children, facility, or
16 agency shall also immediately notify the person in charge of the institution, school, entity that
17 provides organized activities for children, facility, or agency, or a designated agent thereof, who
18 may supplement the report or cause an additional report to be made: *Provided*, That notifying a
19 person in charge, supervisor, or superior does not exempt a person from his or her mandate to
20 report suspected abuse or neglect.

21 (b) County boards of education and private school administrators shall provide all
22 employees with a written statement setting forth the requirements contained in this section and
23 shall obtain and preserve a signed acknowledgment from school employees that they have
24 received and understand the reporting requirement.

25 (c) Nothing in this article is intended to prevent individuals from reporting suspected abuse
26 or neglect on their own behalf. In addition to those persons and officials specifically required to
27 report situations involving suspected abuse or neglect of children, any other person may make a
28 report if that person has reasonable cause to suspect that a child has been abused or neglected
29 in a home or institution or observes the child being subjected to conditions or circumstances that
30 would reasonably result in abuse or neglect.

31 (d) The provisions of this section are not applicable to persons under the age of 18.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2018.

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Governor