

Statute of Limitations to Prosecute a Mandated Reporter's Failure to Report Child Abuse or Neglect

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Issue

This report summarizes the statute of limitations for prosecuting a mandated reporter who fails to report child abuse or neglect and the penalty associated with the offense in the different states.

Summary

All 50 states and the District of Columbia (DC) generally require mandated reporters who have a reasonable cause to suspect or believe that a child is being abused or neglected to report such suspicion or belief to the appropriate authorities. Mandated reporter laws in all these jurisdictions impose this legal responsibility on a specified class of individuals and entities (e.g., doctors, social workers, and schools) and establish a reporting process.

Forty-nine states (including Connecticut) and DC impose specific penalties for a failure to report suspected child abuse or neglect. In New Jersey, the failure to report statute deems a mandated reporter who fails to report as a disorderly person. Most of the states (40), including Connecticut, and DC classify failure to report as a misdemeanor (i.e., those with possible imprisonment time under one year). Among the jurisdictions where the penalty is categorized as a misdemeanor, there are differing grades or classes depending on the state, and in some circumstances a misdemeanor may become a higher misdemeanor. At least nine states (Arizona, Connecticut, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Pennsylvania, and Tennessee) categorize subsequent or certain egregious violations as felonies. Additionally, in at least six states (Arkansas, Delaware, Maine, Michigan, Montana, and New York) the court may also impose civil liability on a mandated reporter who fails to report child abuse or neglect.

In most states, the statute of limitations to prosecute failure to report is one year, but generally ranges from six months to six years for the states that classify the offense as a misdemeanor. In the states where failure to report may be a felony, the statute of limitation to prosecute ranges from three years to no time limit. In some states the statute of limitations is extended depending on the nature of the offense, victim’s age, and other specified circumstances.

Table 1 summarizes state laws on a mandated reporter’s failure to report child abuse or neglect, including the legal standard, penalty, and statute of limitations.

Table 1: State Laws on Failure to Report Child Abuse or Neglect

State (Statute)	Legal Standard	Penalty	Statute of Limitations
Alabama (Ala. Code Ann. §§ 26-14-13 & 15-3-2)	Reasonable suspicion	Misdemeanor	1 year
Alaska (Alaska Stat. §§ 47.17.068 & 12.10.010(b)(2))	Reasonable cause to suspect	Misdemeanor	5 years
Arizona (Ariz. Rev. Stat. §§ 13-3620(O) & 13-107(B))	Reasonable belief	Misdemeanor Felony if failure to report involves a reportable offense (e.g., sex trafficking)	Misdemeanor: 1 year Felony: 7 years
Arkansas (Ark. Code Ann. §§ 12-18-201(b) , -202(b) , -206 & 5-1-109)	Reasonable cause to suspect	Misdemeanor and Civil Liability	1 year (10 years after the child victim turns age 18 for 1 st and 2 nd degree failure to report if the child was subject to child maltreatment)
California (Cal. Penal Code §§ 11166(c) & 802)	Reasonable suspicion	Misdemeanor	1 year to 3 years (Depending on the seriousness of the offense and age of the victim)
Colorado (Col. Rev. Stat. Ann. §§ 19-3-304(4) & 16-5-401)	Reasonable cause to suspect	Misdemeanor	18 months
Connecticut (CGS §§ 17a-101a & 54-193)	Reasonable cause to suspect	Misdemeanor for 1 st violation Felony for subsequent violations (It is also a felony if the reporter willfully or knowingly fails to report, or under certain other circumstances)	Misdemeanor: 1 year Felony: 5 years

Table 1 (continued)

State (Statute)	Legal Standard	Penalty	Statute of Limitations
Delaware (<i>Del. Code Ann. Tit. 16 §§ 903, -914 & 11 § 205(a)(3)</i>)	Good faith suspicion	Civil penalties up to: \$10,000 for 1 st violation \$50,000 for subsequent violations	2 years
District of Columbia (<i>D.C. Code Ann. §§ 4-1321.02(a), -1321.07 & 23-113(a)(7)</i>)	Reasonable cause to suspect	Misdemeanor	6 years
Florida (<i>Fla. Stat. Ann. §§ 39.201, 39.205(1) & 775.15(2)(b)</i>)	Reasonable cause to suspect	Felony (Florida colleges, universities, or schools whose administrators knowingly or willfully fail to report are subject to a \$1 million fine for each failure (<i>Fla. Stat. Ann. § 39.205(3)</i>))	3 years
Georgia (<i>Ga. Code Ann. §§ 19-7-5 & 17-3-1(e)</i>)	Reasonable cause to believe	Misdemeanor	2 years
Hawaii (<i>Haw. Rev. Stat. Ann. §§ 350-1.1(a), -1.2 & § 701-108(2)(e)</i>)	Reason to believe	Misdemeanor	2 years
Idaho (<i>Idaho Code Ann. §§ 16-1605 & 19-403(2)</i>)	Reason to believe	Misdemeanor	4 years
Illinois (<i>ILL. Comp. Stat. Ann. Ch. 325 § 5/4.02 & 720 § 5/3-5(b)</i>)	Reasonable cause to believe	1 st violation: Misdemeanor 2 nd and subsequent violations: Felony	Misdemeanor: 18 months Felony: 3 years
Indiana (<i>Ind. Code Ann. §§ 31-33-5-1, 31-33-22-1 et seq., & 35-41-4-2(a)(2)</i>)	Reason to believe	Misdemeanor	2 years
Iowa (<i>Iowa Code Ann. §§ 232.69, 232.75 & 802.4</i>)	Reasonable belief	Misdemeanor	1 year
Kansas (<i>Kan. Stat. Ann. §§ 38-2223 & 21-5107</i>)	Reason to suspect	Misdemeanor	5 years

Table 1 (continued)

State (Statute)	Legal Standard	Penalty	Statute of Limitations
Kentucky (Ky. Rev. Stat. §§ 620.030 & 500.050)	Reasonable cause to believe	1 st & 2 nd offense: Misdemeanor Subsequent offenses: D Felony	Misdemeanor: 1 year Felony: No limit
Louisiana (L.A. Children's Code Art. 609 ; Rev. Stat. § 14:403 , & Crim. Proc. Code Ann. art. 572(A)(2))	Cause to believe	Misdemeanor for failing to report Felony for failing to report that results in serious injury or death	Misdemeanor: 2 years Felony: 4 years
Maine (Me. Rev. Stat. Tit. 22 §§ 4009, 4011-A & 17-A § 4-B)	Reasonable cause to suspect	Civil penalties (forfeiture up to \$500)	Not found in statute (Enforceable by the Attorney General)
Maryland (MD Fam. Law §§ 5-704, 5-705.4 , & 5-106)	Reason to believe	File complaint with applicable agency with oversight	1 year
Massachusetts (Mass. Gen. Laws Ch. 119, § 51A & Ch. 277 § 63)	Reasonable cause to believe	1 st violation: Fine 2 nd violations: Misdemeanor Subsequent violations: Felony	6 years
Michigan (Mich. Comp. Laws §§ 722.623, 722.633(1), (2) & 767.24)	Reasonable cause to suspect	Civil Liability and Misdemeanor	6 years
Minnesota (Minn. Stat. Ann. §§ 260E.06 & 260E.08)	Reason to believe	Misdemeanor	3 years
Mississippi (Miss. Ann. Code. §§ 43-21-353(7) & 99-1-5)	Reasonable cause to suspect	Misdemeanor	2 years
Missouri (Mo. Ann. Stat. §§ 210.115, 210.165(1) , & 556.036)	Reasonable cause to suspect	Misdemeanor	1 year
Montana (Mont. Ann. Code §§ 41-3-201, 41-3-207 & 45-1-205)	Reasonable cause to suspect	Civil Liability and Misdemeanor	1 year
Nebraska (Neb. Rev. Stat. §§ 28-711, 28-717 & 29-110)	Reasonable cause to believe	Misdemeanor	18 months

Table 1 (continued)

State (Statute)	Legal Standard	Penalty	Statute of Limitations
Nevada (Rev. Stat. §§ 432B.220 , 432B.240 & 171.090)	Reasonable cause to believe	Misdemeanor	1 year – 2 years
New Hampshire (N.H. Rev. Stat. §§ 169-C:39 & 625:8)	Reason to suspect	Misdemeanor	1 year
New Jersey (N.J. Ann. Stat. §§ 9:6-8.14 & 2C:1-6)	Reasonable cause to believe	Misdemeanor (Deemed a “disorderly person”)	1 year
New Mexico (N.M. Ann. Stat. §§ 32A-4-3(F) & 30-1-8, et seq.)	Reasonable suspicion	Misdemeanor	2 years
New York (N.Y. Soc. Serv. Law §§ 413 , 420 & Crim. Proc. Law § 30.10)	Reasonable cause to suspect	Misdemeanor and Civil Liability	2 years
North Carolina (NC Gen. Stat. §§ 7B-301 & 15-1(b)(1))	Cause to suspect	Misdemeanor	10 years if knowingly and wantonly fail to report
North Dakota (N.D. Cent. Code §§ 50-25.1-03 , 50-25.1-13 & 29-04-03)	Reasonable cause to suspect	Misdemeanor	2 years
Ohio (Ohio Rev. Code §§ 2151.421 , 2151.99 & 2901.13)	Reasonable cause to suspect	Misdemeanor	2 years
Oklahoma (Okla. Ann. Stat. Tit. 10A § 1-2-101 & 22 § 152)	Reason to believe	Misdemeanor	3 years
Oregon (Or. Rev. Stat. §§ 419B.010(3) , 153.018 & 131.125)	Reasonable cause to believe	Class A Violation (i.e., fine of up to \$2,000)	6 months
Pennsylvania (Pa. Cons. Stat. Ann. Tit. 23 §§ 6311 , 6319 & 42 § 5552)	Reasonable cause to suspect	Misdemeanor or Felony depending on circumstances	2 years

Table 1 (continued)

State (Statute)	Legal Standard	Penalty	Statute of Limitations
Rhode Island (R.I. Gen. Laws §§ 40-11-3 - 40-11-3.3 , 40-11-6.1 & 12- 12-17)	Reasonable cause to suspect	Misdemeanor	3 years
South Carolina (S.C. Ann. Code §§ 63-7- 310 & 63-7-410)	Reason to believe	Misdemeanor	No limit
South Dakota (S.D. Ann. Stat. §§ 26-8A-3 , 26-8A-4 , 26-8A-6 , 26-8A-7 & 23A-42-2)	Reasonable cause to suspect	Misdemeanor	7 years
Tennessee (Tenn. Ann. Code §§ 37-1- 403 , 37-1-412 , 40-2-102 & 40-2-103)	Reasonable cause to suspect	1 st offense: Misdemeanor Subsequent offenses: Felony	1 year 2 years for felony
Texas (Tex. Fam. Code §§ 261.101 , 261.109 & Crim. Proc. § 12.02)	Cause to believe	Misdemeanor	2 years
Utah (Utah Ann. Code §§ 62A-4a- 403 , 62A-4a-411 & 76-1- 302)	Reason to believe	Misdemeanor	2 years
Vermont (Vt. Ann. Stat. Tit. 33 § 4913 & 13 § 4501)	Reasonable suspicion	Misdemeanor	3 years
Virginia (Va. Ann. Code §§ 63.2- 1509(D)-(E) & 19.2-8)	Reason to suspect	1 st failure: up to \$500 Subsequent failure: at least \$1,000 (Misdemeanor in cases involving certain serious crimes)	Misdemeanor: 1 year
Washington (Wash. Rev. Code §§ 26.44.030 , 26.44.080 , 9A.20.021 & 9A.04.080)	Reasonable cause to believe	Misdemeanor	2 years
West Virginia (W. Va. Ann. Code §§ 49-2- 803 , 49-2-812 & 61-11-9)	Reasonable cause to suspect	Misdemeanor	1 year

Table 1 (continued)

State (Statute)	Legal Standard	Penalty	Statute of Limitations
Wisconsin (Wis. Ann. Stat. §§ 48.981(6) & 939.74)	Reasonable cause to suspect	Felony	6 years
Wyoming (Wyo. Ann. Stat. § 14-3-205)	Reasonable cause to believe or suspect	Misdemeanor	Not found in statute

Source: OLR analysis of state statutes

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