

Immunity From Liability

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Most child abuse reporting laws provide immunity from liability for those mandated reporters who make a child abuse report that is either authorized (permitted) or required by the reporting law. The immunity granted under such a law is typically quite broad – in fact, it may be absolute. For example, if a psychotherapist in California is negligent in making such a report (as was the case where a therapist used an anatomically correct doll in a suggestive manner, thereby unduly influencing the child to acknowledge abuse that did not occur), he or she is nevertheless immune from liability. Even in cases of gross negligence, a court would likely hold that the immunity applied. However, such immunity would likely not extend to enforcement actions by licensing or regulatory boards based upon claims of gross negligence or incompetence, but immunity from liability would typically extend to civil suits and criminal prosecutions. What is the extent of the immunity granted to mandated reporters of child abuse in your state? Is there an “acting in good faith standard” that must be met in order to be entitled to the immunity?

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