

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5313. Duty to Report Incidents of Child Abuse.

(a) Any health care worker, school teacher or other school official, day care provider, counselor, social worker, peace officer or other law enforcement official who comes into contact in a professional capacity with a child who the person knows or has reasonable cause to suspect is, or will become, a victim of child abuse shall report this knowledge or suspicion directly to the Department of Public Safety.

(1) Any report required under this chapter shall be made to the Department of Public Safety promptly, which in no circumstances shall exceed 24 hours from the time that the person making the report first knew, or had reasonable cause to suspect that the child in question is, or will become, a victim of child abuse.

(2) The report shall contain a statement of the time, date, circumstances and details or information which gave rise to the knowledge or suspicion that the child in question is, or will become, a victim of child abuse.

(3) All reports required under this chapter to be made to the Department of Public Safety may not be disclosed to the public.

(b) The Department of Public Safety shall promptly notify the office of the Attorney General and Division of Youth Services of all reports made under this chapter. This notification shall be within 24 hours of receipt of any such report by DPS.

(c) Any person or official required to report cases of known or suspected child abuse may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated, cause a radiological examination to be performed on the child. Any photographs or x-ray taken shall be sent to the Department of Public Safety at the time the report is sent or as soon thereafter as possible.

(d) Any person or official required to report cases of known or suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report that fact to the medical examiner. The medical examiner shall accept the report for investigation and report its findings to the Department of Public Safety, the Attorney General and the Division of Youth Services and, if the report is made by the hospital, to the Director of Public Health and Environmental Services.

(e) Any person not obligated to do so by this chapter, may, at any time, voluntarily report known or suspected instances of child abuse to the Department of Public Safety.

(f) In any instance where a report required under this chapter involved an act or omission of the Department of Public Safety or its personnel or agents, notification of the report may, alternatively, be made to the Office of the Attorney General. Any such report shall comport with the same requirements as set forth above.

(g) For purposes of this section:

(1) "health care worker" includes a person who is, or purports to be, an anesthesiologist, acupuncturist, chiropractor, dentist, health aide, hypnotist,

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

massage therapist, mental health counselor, midwife, nurse, nurse practitioner, osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician's assistant, psychiatrist, psychologist, psychological associate, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position.

(2) "day care provider" includes persons who operate or are employed by day-care centers, nurseries or alternative schools; nannies; au-pair workers; or any other person who is entrusted with the temporary care of a minor child in return for compensation, but does not include babysitters who are themselves minor children.

Source: PL 3-18, § 3; amended by PL 3-57, §§ 2-3; PL 4-1, § 2; subsection (a) amended by PL 12-56, § 4; new subsection (f) added by PL 12-56, § 5; repealed and reenacted by PL 16-53 § 3 (January 29, 2010), modified.

Commission Comment: The Commission corrected capitalization throughout this section and added an apostrophe to "physicians assistant" in subsection (g)(1) pursuant to 1 CMC § 3806(f) and (g).

With respect to the references to the "Department of Public Safety" and the "Director of Public Health and Environmental Services," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

See comment to 6 CMC § 5312 regarding PL 12-56.