

HEALTH CARE SERVICES EXCEPTION TO REPORTING SEXUAL ABUSE

Minors have a legal right to confidential access to certain health care services. For purposes of mandated reporting, health care services are defined as family planning services, pregnancy testing, obstetrical health care or screening, and diagnosis and treatment of sexually transmitted disease. It is critical that minors are not discouraged from accessing these services when they need them, but it is also critical that they be protected from assault and exploitation.

The law balances these two priorities in the following way:

If you are a doctor, physician assistant or nurse, you are not required to report sexual intercourse or sexual contact experienced by minors who come to you for health care services as defined above, unless the circumstances under When a Report is Still Required apply.

If you are someone who obtains information about a minor who is receiving or has received health care services as defined above, you also might not be required to report that minor as sexually abused, unless the circumstances under When a Report is Still Required apply. Talk to your supervisor or to CPS to get more information about when this exception might apply to you. If you are mandated to report under Executive Order 54, consult with the legal counsel for your campus.

When a Report is Still Required

All of the above persons are still required to report if they have reason to suspect any of the following:

- The sexual intercourse or contact was or is likely to be with a caregiver
- The child was incapable of understanding the consequences of the sexual intercourse or contact, because of age, immaturity, mental illness or mental deficiency
- The child was unconscious or for any other reason physically incapable of communicating unwillingness
- Another participant was or is exploiting the child

Or if the reporter has any reasonable doubt about whether the child's participation was voluntary