



This document has been updated. Use [KEYCITE](#).

[IDAHO CODE](#)  
[TITLE 16. JUVENILE PROCEEDINGS](#)  
[CHAPTER 16. CHILD PROTECTIVE ACT](#)  
[16-1605 Reporting of abuse, abandonment or neglect.](#)

(1) Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department. The department shall be informed by law enforcement of any report made directly to it. When the attendance of a physician, resident, intern, nurse, day care worker, or social worker is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

(2) For purposes of subsection (3) of this section the term "duly ordained minister of religion" means a person who has been ordained or set apart, in accordance with the ceremonial, ritual or discipline of a church or religious organization which has been established on the basis of a community of religious faith, belief, doctrines and practices, to hear confessions and confidential communications in accordance with the bona fide doctrines or discipline of that church or religious organization.

(3) The notification requirements of subsection (1) of this section do not apply to a duly ordained minister of religion, with regard to any confession or confidential communication made to him in his ecclesiastical capacity in the course of discipline enjoined by the church to which he belongs if:

(a) The church qualifies as tax-exempt under [26 U.S.C. section 501\(c\)\(3\)](#);

(b) The confession or confidential communication was made directly to the duly ordained minister of religion; and

(c) The confession or confidential communication was made in the manner and context which places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. A confession or confidential communication made under any other circumstances does not fall under this exemption.

(4) Failure to report as required in this section shall be a misdemeanor.

[[I.C., § 16-1619](#), as added by 1976, ch. 204, § 2, p. 732; am. 1982, ch. 186, § 18, p. 491; am. 1985, ch. 158, § 1, p. 416; am. 1995, ch. 329, § 1, p. 1098; am. and redesign. 2005, ch. 391, § 7, p. 1263.]

#### HISTORICAL NOTES

**Compiler's Notes.** A former § 16-1605 has been repealed, see Compiler's notes, [§ 16-1601](#).

Former § 16-1605 was amended and redesignated as [§ 16-1610](#) by S.L. 2005, ch. 391, § 12.

This section was formerly compiled as [§ 16-1619](#).

Sections 6 and 8 of S.L. 2005, ch. 391 are compiled as [§ § 16-1603](#) and [16-1606](#), respectively.

**Opinions of Attorney General.** School personnel must report all instances of suspected child abuse, abandonment and neglect to either law enforcement or the Department of Health and Welfare within 24 hours of discovery. Failure to do so is a misdemeanor. OAG 93-2.

The religious exemption provision of this act do not affect the normal **reporting** and investigation provision for suspected **child abuse**, neglect and abandonment of this section. OAG 93-9.

I.C. § 16-1605, ID ST § 16-1605

The statutes and Constitution are current through the 2005 Legislative Session.  
The annotations are current through March 25, 2004.

Copyright: 2005 State of Idaho. All rights reserved.

END OF DOCUMENT