

DC ST § 4-1321.02



Formerly cited as DC ST 1981 § 6-2152

District of Columbia Official Code 2001 Edition [Currentness](#)

Division I. Government of District.

Title 4. Public Care Systems. ([Refs & Annos](#))

[Chapter 13](#). Child Abuse and Neglect.

[Subchapter II](#). Reports of Neglected Children.

→ § 4-1321.02. **Persons** required to make **reports**; procedure.

(a) Notwithstanding [§ 14-307](#), any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, as defined in [§ 16-2301\(9\)](#), shall immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Services.

(b) Persons required to report such abuse or neglect shall include every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, school official, teacher, social service worker, day care worker, and mental health professional. Whenever a person is required to report in his or her capacity as a member of the staff of a hospital, school, social agency or similar institution, he or she shall immediately notify the person in charge of the institution or his or her designated agent who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty under subsection (a) of this section of having a report made promptly to the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Services.

(c) In addition to those persons who are required to make a report, any other person may make a report to the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Services.

(d) In addition to the requirements in subsections (a) and (b) of this section, any health professional licensed pursuant to Chapter 12 of Title 3, or a law enforcement officer, except an undercover officer whose identity or investigation might be jeopardized, shall report immediately, in writing, to the Child Protective Services Division of the Department of Human Services, that the law enforcement officer or health professional has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity. The report shall be in accordance with the provisions of [§ 4-1321.03](#).

CREDIT(S)

(Nov. 6, 1966, 80 Stat. 1354, Pub. L. 89-775, § 2; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(c), 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 2(a), 37 DCR 50.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1352.

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1973 Ed., § 2-162.

Legislative History of Laws

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1321.01.

Law 8-87, the "Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-139, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 21, 1989, and December 5, 1989, respectively. Signed by the Mayor on December 21, 1989, it was assigned Act No. 8-137 and transmitted to both Houses of Congress for its review.

References in Text

The Department of Human Services, referred to throughout this section, was substituted for the Department of Human Resources pursuant to Reorganization Plan No. 2 of 1979, dated February 21, 1980.

LIBRARY REFERENCES

Key Numbers

Infants  13, 17.

Westlaw Key Number Searches: 211k13; 211k17.

Encyclopedias

[C.J.S. Infants § § 5, 8 to 9, 92 to 93, 95 to 98.](#)

NOTES OF DECISIONS

In general [1](#)

Due process [3](#)

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[1](#). In general

The "reasonable cause" standard requires only that the physician has a reason to believe that a child is abused. *Battle v. Gaither*, 116 WLR 709 (Super. Ct. 1988).

It is possible for a doctor to have reasonable cause to believe that a child is abused, even though his failure to conduct a more thorough investigation failed to satisfy professional standards. *Battle v. Gaither*, 116 WLR 709 (Super. Ct. 1988).

Fact that subsequent investigation by the authorities proved suspicions of child abuse incorrect did not negate the reasonableness of the physician's beliefs. *Battle v. Gaither*, 116 WLR 709 (Super. Ct. 1988).

[2](#). Waiver of privilege

In interpreting statutory waiver of physician-patient privilege in proceedings concerning welfare of neglected child, fortress should not be made out of dictionary at expense of achieving evident legislative purpose of enabling trial court to carry out its obligations to child. D.C.Code 1981, § 2- 1355. [In re O.L., 1990, 584 A.2d 1230](#). Infants  207; Statutes  188

Statutory waiver of physician-patient privilege in proceeding concerning welfare of "neglected child" was not limited in scope to proceedings involving child that has already been adjudged neglected. D.C.Code 1981, § 2-

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1355. [In re O.L., 1990, 584 A.2d 1230](#). Infants  207

In child neglect proceeding based on mother's alleged mental illness and drug abuse, trial judge had statutory authority, over mother's objection, to "waive" her physician-patient privilege with respect to past professional evaluations of her mental condition. D.C.Code 1981, § 2-1355. [In re O.L., 1990, 584 A.2d 1230](#). Infants  207

3. Due process

Statutory exception to physician-patient privilege in child neglect proceeding did not violate mother's due process privacy right with regard to medical information; interest of District of Columbia in assuring that mother was mentally competent to raise her daughter was sufficiently strong to limit privacy rights. D.C.Code 1981, § § 2-1355, [14-307](#); [U.S.C.A. Const.Amends. 5, 14](#). [Matter of N.H., 1990, 569 A.2d 1179](#). Constitutional Law  274(5); Infants  132

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