



[VERMONT STATUTES ANNOTATED](#)
[TITLE THIRTY-THREE. Human Services](#)
[PART 3. PROGRAMS AND SERVICES FOR CHILDREN AND YOUTH](#)
[CHAPTER 49. Child Welfare Services](#)
[SUBCHAPTER 2. Reporting Abuse of Children](#)
[§ 4913 Suspected child abuse and neglect; remedial action](#)

(a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant licensed, certified, or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, dentist, psychologist, any other health care provider, school superintendent, school teacher, school librarian, day care worker, school principal, school guidance counselor, mental health professional, social worker, probation officer, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this subsection, "camp" includes any residential or nonresidential recreational program.

(b) Any other concerned person not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914 of this title.

(c) Any person enumerated in subsections (a) or (b) of this section, other than a person suspected of child abuse, who in good faith makes a report to the department of social and rehabilitation services shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making a report.

(d) The name of the person making the report, or any person mentioned in the report shall be confidential unless the person making the report specifically requests disclosure or unless a judicial proceeding results therefrom or unless a court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the department to make the name available.

(e)(1) A person who violates subsection (a) of this section shall be fined not more than \$500.00.

(2) A person who violates subsection (a) of this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.

(3) This section shall not be construed to prohibit a prosecution under any other provision of law.

(f) Except as provided in subsection (g) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.

(g) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:

(1) made to a member of the clergy acting in his or her capacity as spiritual advisor;

(2) intended by the parties to be confidential at the time the communication is made;

(3) intended by the communicant to be an act of contrition or a matter of conscience; and

(4) required to be confidential by religious law, doctrine, or tenet.

(h) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection (g) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection (g) of this section.

-- Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1983, No. 169 (Adj. Sess.), § 1; 1985, No. 208 (Adj. Sess.), § 19, eff. June 30, 1986; 1989, No. 295 (Adj. Sess.), § 3; 1993, No. 156 (Adj. Sess.), § 1; 2003, No. 43, § 3, eff. May 27, 2003.

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

History

Codification. Pursuant to 1989, No. 148 (Adj. Sess.), § 2(e), the amendment to former 33 V.S.A. § 683(a) by 1989, No. 295 (Adj. Sess.), § 3, was incorporated in the text of this section.

Revision note-- In subsec. (a), substituted "section 684 of this title" for "section 684" to conform reference to V.S.A. style.

In subsec. (a), substituted "section 4914 of this title" for "section 684 of this title" in view of the recodification of this title by 1989, No. 148 (Adj. Sess.), § § 1, 3.

In subsec. (b), substituted "subsection (a) of this section" for "subsection (a)" to conform reference to V.S.A. style.

In subsec. (c), substituted "subsections (a) or (b) of this section" for "subsections (a) or (b)" to conform reference to V.S.A. style.

Amendments-- 2003. Subsection (a): Inserted "or member of the clergy" following "camp counselor".

Subsection (e): Designated existing (e) as subdiv. (e), substituted "A person" for "Any person", added "of this section" and added subdivs. (2) and (3).

Subsections (f)-(h): Added.

-- 1993 (Adj. Sess.). Subsection (a): Inserted "school superintendent" preceding "school teacher" in the first sentence.

-- 1989 (Adj. Sess.). Subsection (a): Inserted "any other health care provider" preceding "school teacher", deleted "or" preceding "police officer", inserted "camp owner, camp administrator or camp counselor" thereafter and added "within 24 hours" following "this title" in the first sentence and added the second sentence.

-- 1985 (Adj. Sess.). Subsection (a): Inserted "certified" following "physician's assistant licensed".

-- 1983 (Adj. Sess.). Subsection (c): Inserted "other than a person suspected of child abuse" preceding "who", "to the department of social and rehabilitation services" preceding "shall", "any civil or criminal" preceding "liability" and deleted "for libel or slander" thereafter.

Prior law. 33 V.S.A. § 683.

Annotations

1. Failure to report. Employee of social and rehabilitation services was not entitled to immunity from suit as a matter of law from charge of breach of duty to report to commissioner that minor placed in foster home was threatened with substantial risk of physical or mental injury; issue of fact existed as to whether employee had been informed that owner of home had previously requested sex with another minor. [LaShay v. Department of Social & Rehabilitation Services \(1993\) 160 Vt. 60, 625 A.2d 224.](#)

Cited. Cited in [Peck v. Counseling Service of Addison County, Inc. \(1985\) 146 Vt. 61, 499 A.2d 422](#); [Packard v. State \(1986\) 147 Vt. 256, 514 A.2d 708](#); [In re F.E.F. \(1991\) 156 Vt. 503, 594 A.2d 897](#); [State v. Duffy \(1992\) 158 Vt. 170, 605 A.2d 533](#); [Wilkinson v. Russell, 182 F.3d 89 \(2d Cir. 1999\)](#), cert. denied, [528 U.S. 1155, 120 S. Ct. 1160, 145 L. Ed. 2d 1072 \(2000\)](#); [In re G.T. \(2000\) 170 Vt. 507, 758 A.2d 301.](#)

33 V.S.A. § 4913, VT ST T. 33 § 4913

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