

Rules and Responsibilities for Reporting Child and Animal Abuse

The following information was provided by Denver Deputy District Attorney Diane Balkin in response to a question posed to CVMA from a member on the responsibilities of veterinarians in reporting cases of child and animal abuse.

Child Abuse

Veterinarians are required to report child abuse or neglect. If it can be proven that a veterinarian knew that a child had been abused or neglected and they chose not to report, the veterinarian subjects him or herself to possible criminal sanctions. However, if a veterinarian makes a report in good faith, he or she would be immune from liability.

Following is a summary of the relevant statutory provisions:

Section 19-3-304. Persons required to report child abuse or neglect.

Any veterinarian who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately report or cause a report to be made of such fact to the county department or local law enforcement agency.

(Any person who willfully violates the provisions of this section subjects himself to prosecution for a class 3 misdemeanor, which is punishable by up to six months in jail, and/or a fine of \$50 to \$750 and is liable for damages proximately caused thereby.)

Section 19-3-309. Immunity from liability – persons reporting.

Any person, other than the perpetrator, complicitor, conspirator, or accessory, participating in good faith in the making of a report, in the facilitation of the investigation of such a report . . . shall be immune from any liability, civil or criminal, or termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious. For the purpose of any proceedings, civil or criminal, the good

faith of any such person reporting child abuse . . . shall be presumed.

Cruelty to Animals

It is not currently mandatory for veterinarians to report animal cruelty. If, however, a veterinarian makes a report in good faith, he or she is immune from liability. AVMA feels it is the veterinarian's responsibility to report suspected abuse. AAHA's position (Oct. 2003) is that veterinarians should take an active role in detecting, preventing, and reporting animal abuse.

Following is a summary of the relevant statutory provision and American Veterinary Medical Association (AVMA) and the American Animal Hospital Association (AAHA) position statements:

Section 12-64-121. Cruelty to animals – immunity for reporting.

Any veterinarian licensed in this State who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty as described in section 18-9-202,

Colorado Revised Statutes, to the proper authorities shall be immune from liability in any civil or criminal action brought against such veterinarian for reporting such incident.

AVMA Position Statement

"The AVMA recognizes that veterinarians may have occasion to observe cases of cruelty to animals, animal abuse, or animal neglect as defined by state law or local ordinances. When these observations occur, the AVMA considers it the responsibility of the veterinarian to report such cases to the appropriate

authorities. Such disclosures may be necessary to protect the health and welfare of animals and people."

AAHA Position Statement

"Since veterinarians have a responsibility to the welfare of animals and the public and can be the first to detect animal abuse in a family, they should take an active role in detecting, preventing and reporting animal abuse. While some states and provinces do not require veterinarians to report animal abuse, the association supports the adoption of laws requiring, under certain circumstances, veterinarians to report suspected cases of animal abuse. Reporting should only be required when client education has failed, when there is no likelihood that client education will be successful, or in situations in which immediate intervention is indicated and only when the law exempts veterinarians from civil and criminal liability for reporting." ■



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