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West Virginia

Child Abuse and Neglect

**Immunity for Reporters of Child Abuse and Neglect**

**Citation:** W. Va. Code Ann. § 49-6A-6 (LexisNexis through 2011 2nd Ex. Sess.)  
**Statute:**   
Any person, official, or institution participating in good faith in any act permitted or required by the reporting laws shall be immune from any civil or criminal liability that otherwise might result by reason of such actions.

**Mandatory Reporters of Child Abuse and Neglect**

**Professionals Required to Report**  
**Citation: Ann. Code § 49-6A-2**  
  
The following professionals are required to report:

* Medical, dental, or mental health professionals
* Christian Science practitioners or religious healers
* Teachers or other school personnel
* Social service, child care, or foster care workers
* Emergency medical services personnel
* Peace officer, law enforcement officials, or humane officers
* **Members of the clergy**
* Circuit court judges, family court judges, employees of the Division of Juvenile Services, or magistrates
* Youth camp administrators, counselors, employees, coaches, or **volunteers of entities that provide organized activities for children**
* Commercial film or photographic print processors

**Reporting by Other Persons**  
**Citation: Ann. Code § 49-6A-2**  
Any person over age 18 who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child shall immediately, and no more than 48 hours after receiving such a disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law enforcement agency having jurisdiction to investigate the report.

Any person who has reasonable cause to suspect that a child is abused or neglected may report.

**Standards for Making a Report**  
**Citation: Ann. Code § 49-6A-2**  
A report is required when:

* A reporter has reasonable cause to suspect that a child is abused or neglected.
* A reporter observes a child being subjected to conditions that are likely to result in abuse or neglect.
* A reporter believes that a child has suffered serious physical abuse, sexual abuse, or sexual assault.

**Privileged Communications**  
**Citation: Ann. Code § 49-6A-7**  
The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, except that between attorney and client, cannot be invoked in situations involving suspected or known child abuse or neglect.   
  
**Inclusion of Reporter's Name in Report**  
Not addressed in statutes reviewed.   
  
**Disclosure of Reporter Identity**  
Not addressed in statutes reviewed.

**Penalties for Failure to Report and False Reporting of Child Abuse and Neglect**

**Failure to Report  
Ann. Code § 49-6A-8**Any mandated reporter who knowingly fails to report as required, or knowingly prevents another person acting reasonably from doing so, shall be guilty of a misdemeanor, and upon conviction shall be subject to confinement in the county jail for no more than 30 days, a fine of no more than $1,000, or both.   
  
**False Reporting**This issue is not addressed in the statutes reviewed.