

## State Statutes Results

### Idaho

#### Child Abuse and Neglect

##### Definitions of Child Abuse and Neglect

To better understand this issue and to view it across States, see the *Definitions of Child Abuse and Neglect: Summary of State Laws* ([PDF](#) - 442 KB) publication.

##### Physical Abuse

**Citation: Idaho Code § 16-1602**

*Abused* means any case in which a child has been the victim of conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive, or death, and such condition or death is not justifiably explained; the history given concerning such condition or death is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition or death may not be the product of an accidental occurrence.

##### Neglect

**Citation: Idaho Code § 16-1602**

*Neglected* means a child:

Who is without proper parental care and control, subsistence, education, or medical or other care necessary for his or her well-being because of the conduct or omission of his or her parents, guardian, or other custodian, or their neglect or refusal to provide them

Whose parents, guardian, or other custodian is unable to discharge his or her responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his or her health, safety, or well-being

Who has been placed for care or adoption in violation of the law

##### Sexual Abuse

**Citation: Idaho Code § 16-1602**

*Abused* means any case in which a child has been the victim of sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health, welfare, or mental injury to the child.

##### Emotional Abuse

**Citation: Idaho Code § 16-1602**

*Mental injury* means a substantial impairment in the intellectual or psychological

ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

### **Abandonment**

**Citation: Idaho Code § 16-1602**

*Abandoned* means the failure of the parent to maintain a normal parental relationship with his or her child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of 1 year shall constitute *prima facie* evidence of abandonment.

### **Standards for Reporting**

**Citation: Idaho Code § 16-1602**

A report is required when the parent's conduct or omission results in harm to the child.

### **Persons Responsible for the Child**

**Citation: Idaho Code § 16-1602**

Responsible persons include the parent, guardian, or other custodian.

### **Exceptions**

**Citation: Idaho Code § 16-1602**

No child whose parent chooses for the child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected. This exception shall not prevent the court from ordering emergency medical treatment when the child's life is endangered.

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## **Mandatory Reporters of Child Abuse and Neglect**

To better understand this issue and to view it across States, see the *Mandatory Reporters of Child Abuse and Neglect: Summary of State Laws* ([PDF](#) - 633 KB) publication.

### **Professionals Required to Report**

**Citation: Idaho Code § 16-1605**

The following persons are required to report:

Physicians, residents on hospital staffs, interns, nurses, or coroners  
School teachers or daycare personnel  
Social workers or law enforcement personnel  
Other persons

### **Reporting by Other Persons**

**Citation: Idaho Code § 16-1605**

Any person who has reason to believe that a child has been abused, abandoned, or neglected is required to report.

**Standards for Making a Report**

**Citation: Idaho Code § 16-1605**

A report is required when:

A person has reason to believe that a child has been abused, abandoned, or neglected.

A person observes a child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment, or neglect.

**Privileged Communications**

**Citation: Idaho Code §§ 16-1605; 16-1606**

Any privilege between a husband and wife and any professional and client, except for the clergy-penitent or attorney-client privilege, shall not be grounds for failure to report.

**Inclusion of Reporter's Name in Report**

Not addressed in statutes reviewed.

**Disclosure of Reporter Identity**

Not addressed in statutes reviewed.

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

To better understand this issue and to view it across States, see the *Penalties for Failure to Report and False Reporting of Child Abuse and Neglect: Summary of State Laws* ([PDF](#) - 166 KB) publication.

**Failure to Report**

**Idaho Code § 16-1605(4)**

Failure to report as required by the reporting laws shall be a misdemeanor.

**False Reporting**

**Idaho Code § 16-1607**

Any person who makes a report or allegation of child abuse, abandonment, or neglect knowing the report is false, or who reports or alleges the same in bad faith or with malice, shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of \$2,500,

whichever is greater, plus attorney's fees and costs of suit.

If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.

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