

Alabama Mandatory Reporting Updates

What School Counselors and Private-Practice Counselors Need to Know

Effective Date: October 1, 2026 **Authority:** Alabama Act No. 2026-375, § 6, amending Ala. Code § 26-14-3. **Purpose:** Staff training concerning changes to Alabama’s mandatory child-abuse and neglect reporting requirements.

Key takeaway: Beginning October 1, 2026, covered reporters must make an **immediate oral report** to the Alabama Department of Human Resources (“DHR”) or a law-enforcement official when they:

1. know or suspect a child is a victim of abuse or neglect; 2. receive a third-party report that a child is or is suspected of being abused or neglected; or 3. obtain other information that would lead a reasonable person to believe or suspect that a child is a victim of abuse or neglect.

The reporter must then submit a written report within **72 hours** after the oral report. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

What This Document Is Called

This document is best described as a **legal update** or **staff training memorandum**, not a “legal brief.” A legal brief ordinarily presents legal arguments to a court or other decision-maker. This document is a practical explanation of the statutory changes for counseling personnel.

Who Is Covered?

The amended statute expressly covers:

- Public and private K–12 school employees;
- School teachers;
- School officials;
- Social workers; and
- Mental-health professionals. Ala. Code § 26-14-3(a)(2)(p)–(x) (effective Oct. 1, 2026).

Accordingly:

Role	Reporting Status
School counselors	Covered as public or private K–12 employees and may also qualify as school officials or mental-health professionals.
Private-practice counselors	Covered when they are mental-health professionals.
Counseling supervisors and practice owners	Should ensure that staff understand the reporting process, the 72-hour written-report deadline, and the prohibition on retaliation for making a report.

What Is Not Changing

The Legal Definitions of “Abuse” and “Neglect” Are Not Amended

Act No. 2026-375 amends Ala. Code § 26-14-3, the reporting and agency-response statute. It does **not** amend Ala. Code § 26-14-1, which contains the Chapter 14 definitions of “abuse” and “neglect.”

The amendment removes the phrase “as defined in Section 26-14-1” from the agency-routing language in subsection (c), but it does not change the substantive definitions themselves.

Compare Ala. Code § 26-14-3(c) (2025) with Ala. Code § 26-14-3(c) (effective Oct. 1, 2026).

Counselors Do Not Need to Identify or Prove a Criminal Charge

The reporting duty remains focused on whether the counselor has information triggering a reasonable suspicion that a child is a victim of child abuse or neglect. The counselor does not need to determine whether a particular criminal offense occurred, identify every possible criminal charge, prove the allegation, or wait for law enforcement confirmation before reporting. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

Training point: Counselors are mandatory reporters, not criminal investigators. A report should not be delayed while staff try to determine whether the facts satisfy the elements of a particular criminal offense.

Summary of Changes Effective October 1, 2026

Issue	Requirement Through September 30, 2026	Requirement Beginning October 1, 2026	Practical Example
Reporting trigger	A report was required when a child was known or suspected to be a victim of abuse or neglect. Ala. Code § 26-14-3(a) (2025).	A report is required when the reporter knows or suspects abuse or neglect, receives a third-party report of suspected abuse or neglect, or obtains other information that would lead a reasonable person to believe or suspect abuse or neglect. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).	A teacher tells a school counselor that a student disclosed being hit at home. The counselor has received a third-party report and must make the report immediately.
Third-party information	The statute did not expressly identify receipt of a third-party report as a separate reporting trigger. Ala. Code § 26-14-3(a) (2025).	Receipt of a third-party report is expressly identified as a reporting trigger. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).	A parent tells a private-practice counselor that the parent’s child reported sexual touching by a babysitter. The counselor should not wait to interview the child or corroborate the report before making the required report.
Reasonable-person	The statute referred generally to a child	The statute now expressly requires a report when other	A child repeatedly reports being left alone

n standard	who was known or suspected to be a victim of abuse or neglect. Ala. Code § 26-14-3(a) (2025).	information would lead a reasonable person to believe or suspect abuse or neglect. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).	overnight, has no regular food at home, and cannot obtain prescribed medication. Even without a direct disclosure that the child is “neglected,” the cumulative information may require a report.
Recipient of oral report	The reporter had to make an immediate oral report to a “duly constituted authority.” Ala. Code § 26-14-3(a) (2025).	The reporter must make the oral report immediately to a law-enforcement official or DHR. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).	A school counselor should not rely solely on a report to the principal or district office. The counselor must ensure that an immediate report is made to DHR or law enforcement.
Written follow-up	A written report was required after the oral report, but the statute stated no defined deadline. Ala. Code § 26-14-3(a) (2025).	The written report must be submitted within 72 hours after the oral report. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).	If a counselor makes an oral report at 2:00 p.m. on Monday, the written report must be submitted no later than 2:00 p.m. on Thursday.
Law-enforcement notice to DHR	A law-enforcement official who received an initial report was to inform DHR “subsequently.” Ala. Code § 26-14-3(b)(1) (2025).	A law-enforcement official who receives a report made under subsection (a) must inform DHR immediately. Ala. Code § 26-14-3(b)(1) (effective Oct. 1, 2026).	A counselor may report to law enforcement. Law enforcement, in turn, has an immediate statutory duty to inform DHR.
School and residential-facility report routing	DHR was required to send school reports to law enforcement. Residential-facility reports were sent to law enforcement and the operating state agency. Ala. Code § 26-14-3(c) (2025).	DHR must transmit school reports or residential-facility reports to law enforcement and the operating state agency, which must conduct the investigation. Ala. Code § 26-14-3(c) (effective Oct. 1, 2026).	A report involving suspected abuse or neglect connected to school discipline or corporal punishment follows the revised DHR routing process after DHR receives it. The counselor’s own immediate-report obligation remains the same.
Expungement language	Section 26-14-3 directed an investigating agency	This expungement provision is removed from Section	Counselors should not tell a reporting person, parent, child, or alleged

in Section 26-14-3	or authority to expunge records and data concerning a report that did not result in a conviction. Ala. Code § 26-14-3(e) (2025).	26-14-3. Ala. Code § 26-14-3 (effective Oct. 1, 2026).	perpetrator that a report will be expunged if no conviction occurs.
Retaliation against reporters	An employer that discharged, suspended, disciplined, or penalized an employee solely for reporting suspected abuse or neglect committed a Class C misdemeanor. Ala. Code § 26-14-3(g) (2025).	The first violation remains a Class C misdemeanor. A subsequent violation after a prior conviction is a Class C felony. Ala. Code § 26-14-3(f) (effective Oct. 1, 2026).	A supervisor may not discipline a counselor solely because the counselor made a required report, even if the supervisor disagrees with the counselor's judgment.
Time limits for prosecutions under Section 26-14-3	Section 26-14-3 did not state specific prosecution limitations periods. Ala. Code § 26-14-3 (2025).	A misdemeanor prosecution must begin within 12 months after the violation is first reported to law enforcement. A felony prosecution must begin within five years after the violation is first reported to law enforcement. Ala. Code § 26-14-3(g) (effective Oct. 1, 2026).	This is primarily an enforcement change. It does not change a counselor's duty to report immediately.

The Three Reporting Triggers

Beginning October 1, 2026, covered reporters must make an immediate oral report if any of the following occurs.

1. The Counselor Knows or Suspects Abuse or Neglect

Example: Direct disclosure in a school setting

A 14-year-old student tells a school counselor: "My stepfather punched me last night." The counselor must make an immediate oral report to DHR or law enforcement and submit a written report within 72 hours. The counselor should document the student's words as accurately as possible and should not delay the report to seek proof or interview the stepfather. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

2. The Counselor Receives a Third-Party Report

Example: Teacher report to school counselor

A teacher tells the school counselor that a student said the student's caregiver regularly locks the student in a closet as punishment.

The counselor has received a third-party report that the student may be abused or neglected. The amendment expressly requires an immediate report in this circumstance. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

Example: Adult-client disclosure in private practice

During an adult client's therapy session, the client reports that the client's child said a relative has been touching the child sexually.

The private-practice counselor has received a third-party report of suspected child abuse. The counselor should make the required report immediately; the counselor should not delay reporting until the child can be interviewed or the adult client provides additional proof. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

3. The Counselor Obtains Other Information Meeting the Reasonable-Person Standard

Example: Possible neglect identified through cumulative information

A private-practice counselor learns over several sessions that a 12-year-old client is routinely left without adult supervision, frequently has no food at home, wears visibly soiled clothes for extended periods, and has not received prescribed medication.

No single fact may conclusively establish neglect. But the cumulative information may lead a reasonable person to believe or suspect neglect. The counselor must make the immediate oral report and submit the written report within 72 hours. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

What Counselors Must Do

Make the Oral Report Immediately

A covered reporter must make the oral report immediately to:

- The Alabama Department of Human Resources; or
- A law-enforcement official. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

“Immediately” means without avoidable delay. Do not delay a qualifying report to:

- Obtain proof or corroboration;
- Conduct an investigation;
- Seek approval from a supervisor, principal, clinical director, or colleague;
- Wait for a parent or guardian to be contacted;
- Complete an internal incident report; or
- Wait until the next business day.

Submit the Written Report Within 72 Hours

The written report must be submitted to the official or department within 72 hours after the oral report. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

Document the Report

After making the oral report, document:

1. The date and time of the oral report;
2. Whether DHR or law enforcement received the report;
3. The name or identifying information of the person receiving the report, if available;
4. The material facts reported;
5. The report or intake number, if one is provided;
6. The deadline for the written report; and
7. The date and method used to submit the written report.

Important: An internal report to a principal, school administrator, supervisor, clinical director, or practice owner may be appropriate under organizational policy, but it does not replace the mandatory external report to DHR or law enforcement. Ala. Code § 26-14-3(a)(1) (effective Oct. 1, 2026).

School Counselor Considerations

A school counselor who receives concerning information from a student, teacher, coach, parent, or another person should promptly determine whether the information triggers the duty to report under the three-part standard.

Particular attention should be given to:

- Student disclosures;
- Reports from teachers or other school personnel;
- Reports from other students;
- Allegations involving school discipline or corporal punishment;
- Signs of possible inadequate supervision, food, shelter, medical care, or safety; and
- Information that, considered as a whole, would lead a reasonable person to suspect abuse or neglect.

If DHR receives a report involving suspected abuse or neglect connected to discipline or corporal punishment in a public or private school, DHR must transmit the report to law enforcement and the operating state agency for investigation. The statute does not assign school counselors responsibility for that agency-routing process. Ala. Code § 26-14-3(c) (effective Oct. 1, 2026).

Private-Practice Counselor Considerations

Private-practice counselors who are mental-health professionals should apply the same reporting standard to:

- Direct disclosures by minor clients;
- Information from adult clients about possible abuse or neglect of a child;
- Information from parents, guardians, or family members;
- Reports involving siblings or other children who are not the counselor's client; and
- Information learned over time that collectively supports a reasonable suspicion of abuse or neglect.

Confidentiality does not eliminate the statutory reporting duty for covered mental-health professionals. The statutory exception in Section 26-14-3 applies to specified privileged

confidential communications received solely by a member of the clergy; it is not a general counselor-client confidentiality exception. Ala. Code § 26-14-3(e) (effective Oct. 1, 2026).

Staff Training Checklist

Before October 1, 2026, the organization should:

- Update mandatory-reporting policies to identify all three reporting triggers;
- Make clear that third-party reports may require immediate reporting;
- Train staff on the reasonable-person standard;
- Update written-report procedures to ensure completion within 72 hours after the oral report;
- Require documentation of the oral report date, time, recipient, and intake or report number, if available;
- State clearly that internal reporting does not substitute for reporting to DHR or law enforcement;
- Train supervisors not to delay, discourage, or retaliate against mandatory reporters;
- Update staff forms, electronic-health-record prompts, and school incident-reporting procedures; and
- Obtain staff acknowledgment that they received and understand this update.

Final Training Message

If you know or suspect child abuse or neglect, receive a third-party report of suspected abuse or neglect, or obtain information that would lead a reasonable person to believe or suspect abuse or neglect, make an oral report to DHR or law enforcement immediately and submit the written report within 72 hours.

This staff training memorandum summarizes amendments to Ala. Code § 26-14-3 made by Alabama Act No. 2026-375, effective October 1, 2026. It is not a substitute for organization-specific emergency procedures, reporting protocols, or legal advice regarding a particular factual situation.