

Alabama Mandatory Reporting Updates

Legal and Ethical Responsibilities for
Professional Counselors



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Learning Objectives



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- Identify the three statutory circumstances that trigger a mandatory child-abuse or neglect report in Alabama beginning October 1, 2026.
- Differentiate the counselor's legal and ethical reporting responsibilities from the investigative responsibilities of DHR and law enforcement.
- Apply ethical principles related to confidentiality, client welfare, professional responsibility, consultation, and documentation to mandatory-reporting situations.
- Demonstrate a legal and ethical decision-making process when responding to direct disclosures, third-party reports, and cumulative information creating reasonable suspicion.
- Describe Alabama's immediate oral-report and 72-hour written-report requirements.

Why This Is Both a Legal AND Ethical Issue

Mandatory reporting involves:

LAW

- Alabama mandatory-reporting requirements
- Who must report
- Reporting threshold
- Where to report
- Reporting deadlines

ETHICS

- Client welfare
- Confidentiality
- Professional responsibility
- Competence
- Documentation
- Consultation
- Avoiding harm



What Changed October 1, 2026?

Four Important Changes

1. Third-party reports are expressly identified as a reporting trigger.
2. Reasonable-person standard is expressly incorporated into the reporting trigger.
3. Oral report must be made (*leave a message, if needed and document*) immediately to DHR or law enforcement.
4. Written report must follow within 72 hours (*list the time you called / left message*)



What Did NOT Changed?

The definitions of abuse and neglect did NOT change.

Act No. 2026-375 amended: Ala. Code § 26-14-3

It did not amend the substantive definitions contained in: Ala. Code § 26-14-1

Ethical Practice Point: Do not overcorrect. The new law does not mean every concern automatically becomes child abuse or neglect.



Who Is a Mandatory Reporter?

The statute includes:

- Mental-health professionals (School Counselors and Private-Practice)
- Social workers
- Public and private K–12 employees
- Teachers
- School officials
- Day-care workers/employees
- Health-care providers and certain others providing aid to children



The Three Reporting Triggers

Beginning October 1, report if:

1. You **KNOW** or **SUSPECT** a child is abused or neglected. OR
2. You **RECEIVE A THIRD-PARTY REPORT** that a child is or may be abused or neglected. OR
3. You **RECEIVE OTHER INFORMATION** that would lead a reasonable person to believe or suspect abuse or neglect.

One trigger is enough.



“But I Don’t Know If It’s True”

Counselors often feel caught between:

“I don’t want to make an unnecessary report.” and “I don’t want to fail to protect a child.”

The legal standard is NOT: Can I prove it?

The relevant question is: **Has the reporting threshold been reached?**



Reporter vs. Investigator

COUNSELOR

- Recognize concern
- Listen appropriately
- Report qualifying information
- Document
- Continue appropriate clinical care

DHR / LAW ENFORCEMENT

- Investigate
- Corroborate
- Interview
- Determine findings
- Take appropriate action

Ethical Boundary: Don't turn counseling into an investigation.



Trigger #1: Direct Information

A 14-year-old client says “My stepfather punched me last night.”

What do you need before reporting?

More details? NO

Parent's explanation? NO

Proof? NO

Supervisor approval? NO

REPORT IMMEDIATELY.



Trigger #2: Third-Party Information

The child does NOT have to tell you.

Teacher to Counselor “A student told me her caregiver hits her with a belt.” *

Parent to Counselor “My daughter told me her uncle touched her sexually.”

Adult Client to Counselor “My nephew says his parents leave him alone overnight.”

Ethical Question: Does who tells me the information change my responsibility?



Ethical Scenario: Your Adult Client Begs You Not To Report

Your adult client says: “My daughter told me my brother touched her. Please don’t call anyone. I’m handling it myself.”

The client becomes distressed: “If you report this, I’m never coming back.”

Questions:

- Does confidentiality prevent the report?
- Does potential damage to the therapeutic relationship prevent the report?
- Can the client ask you not to report?



Confidentiality Has Limits

Confidentiality is fundamental to care but is not an absolute in treatment.

Counselor-client confidentiality does not eliminate Alabama's mandatory-reporting obligation for covered counselors.

Ethical Practice: Counselors should clearly explain the limits of confidentiality as part of informed consent. (*Update your informed consent to include third-party reporting.*)



Trigger #3: Cumulative Information

A 12 yr old client:

- Is routinely alone overnight
- Frequently reports no food at home
- Appears repeatedly in heavily soiled clothing
- Cannot access prescribed medication
- Never says “I’m being neglected.”

Ask: Would the information, taken together, lead a reasonable person to believe or suspect neglect?



Ethical Decision-Making Framework

1. Identify the information. What do I actually know?
2. Identify the legal obligation. Has one of the three triggers been met?
3. Identify the ethical issues. Confidentiality? Client welfare? Competence? Professional responsibility?
4. Consult appropriately when needed.
5. Do not allow consultation to delay a required report.
6. Act.
7. Document your decision and actions.



When Consultation Helps and When It Could Hurt

Appropriate: “I genuinely don't know whether this information creates reasonable suspicion.”

Not Appropriate: “I know I need to report, but I want my supervisor to approve it first.”

Never wait for:

- Principal
- Supervisor
- Clinical Director
- Practice owner
- Parent/guardian meeting
- Internal investigation



Internal Reporting vs Mandatory Reporting

Your organization may require you tell your supervisor, director, principal, owner. Your organization may require you complete incident report or internal documentation

BUT

None replaces the required DHR OR LAW ENFORCEMENT report



Immediate Means As Soon As Possible

ORAL REPORT Immediately to DHR OR Law Enforcement
Leave a message if you do not get someone. Document.

Do not wait until: Tomorrow, Monday, After supervision if you are already sure, After your next client



72-Hour Requirement (Written)

Make oral report immediately. Written within 72 hours of oral report.

Oral report: Monday at 2:00 PM

Deadline: Thursday at 2:00 PM



Ethical Documentation

Document facts not conclusions you cannot support.

- What information you received
- Date/time of oral report
- DHR or law enforcement
- Receiving official, if available
- Information reported
- Intake/reference number
- 72-hour deadline
- Date/method of written report



Ethical Scenario: Your Supervisor Disagrees

You tell your supervisor: “I believe this needs to be reported.” Supervisor: “I don’t think that’s abuse. Don’t call DHR yet. Let’s talk about it tomorrow.” What do you do?

If your reporting duty is triggered: REPORT.



Ethical Scenario: What If You’re Wrong?

“What if I report and it turns out nothing happened?”

Instead ask, “Did I act reasonably and professionally based on the information available to me at this time?”

Your role is not to decide guilt or not guilty. Your role is to recognize if the reporting threshold is met or not met.



Case Study: Work Through the Decision

Your 32-year-old client says: “My sister gets high and leaves her two kids, 5 and 8, alone at night. My mom and I have been covering for her because we’re afraid DHR will take the kids.” You have never met the children.

What information do you have? Which reporting trigger applies? What confidentiality issue exists? Do you need to investigate? Can you wait to consult? What happens next?



Knowledge & Ethics Check

1. A teacher reports a child’s disclosure to you. Must you hear it directly from the child first?
2. Can your supervisor tell you not to make a legally required report?
3. Does counselor/client confidentiality eliminate the reporting obligation?
4. Must you prove the abuse occurred?
5. When is the oral report made?
6. When is the written report due?



Stop and Ask:

Do I know or suspect? Did someone report possible abuse or neglect to me? Or would a reasonable person believe or suspect based on the information available.

If yes, report immediately to DHR or Law Enforcement; document; send written report within 72 hours.

Counselors report. It is not our duty to investigate.



References

Alabama Legislature. (2026). Code of Alabama § 26-14-3: Mandatory reporting (as amended by Act No. 2026-375, effective October 1, 2026). Alabama Legislature.

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Alabama Legislature. Code of Alabama § 26-14-1: Definitions applicable to reporting of child abuse or neglect.

American Counseling Association. (2014). ACA code of ethics. American Counseling Association.



Let's Stay Connected

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