

torney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

**(2) Makers of reports**

For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.

**(f) Reporting form**

In every federally operated (or contracted) facility, on all Federal lands, and for all covered individuals, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but its use shall not take the place of the immediate making of oral reports, telephonically or otherwise, when circumstances dictate.

**(g) Immunity for good faith reporting and associated actions**

All persons who, acting in good faith, make a report by subsection (a), or otherwise provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith. If a person is sued because of the person's performance of one of the above functions, and the defendant prevails in the litigation, the court may order that the plaintiff pay the defendant's legal expenses. Immunity shall not be accorded to persons acting in bad faith.

**(h) Training of prospective reporters**

All individuals in the occupations listed in subsection (b)(1) who work on Federal lands, or are employed in federally operated (or contracted) facilities, and all covered individuals, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children.

**(i) Rule of construction**

Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.

(Pub. L. 101-647, title II, § 226, Nov. 29, 1990, 104 Stat. 4806; Pub. L. 114-328, div. A, title V, § 575(b), Dec. 23, 2016, 130 Stat. 2142; Pub. L. 115-126, title I, § 101(a), Feb. 14, 2018, 132 Stat. 318.)

CODIFICATION

Another subsec. (g) of section 226 of Pub. L. 101-647 enacted section 2258 of Title 18, Crimes and Criminal Procedure, and amended analysis for part I and heading and analysis of chapter 110 of Title 18.

Section was formerly classified to section 13031 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-126, § 101(a)(1), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (b). Pub. L. 115-126, § 101(a)(2), substituted “subsection (a)(1)” for “subsection (a)” in introductory provisions.

Subsec. (c)(9) to (12). Pub. L. 115-126, § 101(a)(3), added pars. (9) to (12).

Subsec. (d). Pub. L. 115-126, § 101(a)(4), inserted “and for all covered individuals” after “reside”.

Subsec. (f). Pub. L. 115-126, § 101(a)(5), substituted “on all” for “and on all” and inserted “and for all covered individuals,” after “lands.”

Subsec. (h). Pub. L. 115-126, § 101(a)(6), inserted “and all covered individuals,” after “facilities.”

Subsec. (i). Pub. L. 115-126, § 101(a)(7), added subsec. (i).

2016—Subsec. (a). Pub. L. 114-328, § 575(b)(1), inserted before period at end “and to the agency or agencies provided for in subsection (e), if applicable”.

Subsecs. (e) to (g). Pub. L. 114-328, § 575(b)(2), (3), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

**§ 20342. Federal immunity**

**(1) In general**

Notwithstanding any other provision of law, any individual making a good faith report to appropriate authorities of a suspected or known instance of child abuse or neglect, or who otherwise, in good faith, provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect shall not be subject to civil liability or criminal prosecution, under any Federal law, rising from making such report or providing such information or assistance.

**(2) Presumption of good faith**

In a Federal civil action or criminal prosecution brought against a person based on the person's reporting a suspected or known instance of child abuse or neglect, or providing information or assistance with respect to such a report, as described in paragraph (1), there shall be a presumption that the person acted in good faith.

**(3) Costs**

If the defendant prevails in a Federal civil action described in paragraph (2), the court may award costs and reasonable attorney's fees incurred by the defendant.

(Pub. L. 115-424, § 3(b), Jan. 7, 2019, 132 Stat. 5470.)

CODIFICATION

Section was enacted as part of the Victims of Child Abuse Act Reauthorization Act of 2018, and not as part of the Victims of Child Abuse Act of 1990 which comprises this chapter.

SUBCHAPTER V—CHILD CARE WORKER  
EMPLOYEE BACKGROUND CHECKS

**§ 20351. Requirement for background checks**

**(a) In general**

(1) Each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts