

## CHAPTER 5

### Child Abuse

#### SECTIONS

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#### **§ 501. Declaration of policy.**

It is the policy of the Trust Territory government to provide for the protection of children who have injuries inflicted upon them and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further threatened or injured by the conduct of those responsible for their care and protection.

**Source:** COM PL 7-131 § 1; TT Code 1980, 39 TTC 451.

#### **§ 502. Definitions.**

When used in this chapter, unless the specific content indicates otherwise:

(1) “Abuse” means any case in which a child exhibits evidence of skin bruising, bleeding, sexual molestation, burns, fracture of any bone, subdural hematoma, soft-tissue swelling, and such condition or death is not justifiably explained, or 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.

(2) “Child” means any person under 18 years of age.

(3) “Person” means any physician, dentist, including interns, health assistant, medex, nurse, practical nurse, schoolteacher or other school official, day-care worker, peace officer, or law enforcement official.

**Source:** COM PL 7-131 § 2; TT Code 1980, 39 TTC 452.

**Editor's note:** Subsections rearranged in alphabetical order in the 1982 edition of this code.

**§ 503. Reporting requirements and procedure.**

(1) Every person examining, attending, teaching, or treating a child and having reason to believe that such child has had serious injury or injuries, either physical or mental, inflicted upon him or her as a result of abuse, shall report the matter promptly to the chief of police of the district involved.

(2) When attendance with respect to a child is pursuant to the performance of services as a member of the staff of a district hospital or a Government medical facility in the district center of the administrative district, such staff member shall immediately notify the district director of health services or another person in charge who shall make the report forthwith.

(3) If the person attending a child is a schoolteacher or other school official, he shall report such abuse to his supervisor or other person in charge of the school and such matter shall then be promptly reported by the latter to the chief of police.

(4) If the report is not made in writing in the first instance, it shall be reduced to writing by the maker thereof as soon as possible after it is initially made by telephone or otherwise, and shall contain the name and address of the child and his or her parents or other persons responsible for his or her care if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible therefor.

**Source:** COM PL 7-131 § 3; TT Code 1980, 39 TTC 453.

**Cross-reference:** FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

**Editor's note:** Minor changes made in phraseology in this section in the 1982 edition of this code.

**§ 504. Immunity of reporting persons from liability.**

Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Likewise, any such participant shall have full immunity with respect to any evidence, oral or written, or any other testimony which he or she might provide in any judicial proceeding resulting from such report.

**Source:** COM PL 7-131 § 4; TT Code 1980, 39 TTC 454.

**§ 505. Physician-patient privilege not applicable.**

In any proceeding resulting from a report made pursuant to this chapter or in any proceeding where such a report or any contents thereof are sought to be introduced in evidence, such report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege.

**Source:** COM PL 7-131 § 5; TT Code 1980, 39 TTC 455.

**§ 506. Violations—Penalties.**

Anyone knowingly and willfully violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500, or imprisoned for not more than six months, or both.

**Source:** COM PL 7-131 § 6; TT Code 1980, 39 TTC 456.