



## FREQUENTLY ASKED QUESTIONS ABOUT MANDATED REPORTING

### What is a mandated reporter?

All states designate certain professionals as mandated reporters – some states require all citizens to report. A mandated reporter is one who is required by law to report reasonable suspicions of abuse. Check your state mandatory reporting laws [<http://1.usa.gov/1UdFJDj>] to determine if your profession is designated as a mandated reporter. Regardless of the specific mandated reporter law, all adults should report suspected abuse to protect children.

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### What should I do if a child discloses abuse to me?

When a child reports abuse to you, it is very important that you listen without expressing anger or disbelief. Children first need to know that they are believed and that the abuse is not their fault. Listen attentively and ask only open ended questions, like "then what happened?"

If possible, determine what happened, where and when it happened, and by whom. This is sometimes called a "minimal fact" interview. However, do not ask leading questions or try to draw out information, even if you are certain you know the answers. This can re-traumatize the child and contaminate the investigation.

Do not attempt further investigation on your own – and especially do not investigate physical signs. Report immediately to law enforcement, child protective services, or both. Do not make false promises to the child like keeping the disclosure confidential. Trained investigators need to gather facts and details, and this may involve talking to the child.

*You do not need to have proof of sexual abuse to make a good faith report*

Most state laws only require reasonable suspicion that abuse is occurring. This includes one or more of the following:

- You have witnessed a pattern of boundary violations by an adult or youth;
- You have intervened in boundary violations, and yet the person continues with similar behaviors;
- You have received a disclosure from a child, or the child has told you about boundary violations experienced by the child;
- You have seen physical signs of sexual harm.

### How do I report sexual abuse in my state?

The laws vary by state on who to make a report to; sometimes child protective services or a department of family and child services of your county or law enforcement. However, it is always appropriate to contact your local law enforcement to report abuse. Your state law may also specify when the report is to be made; usually immediately after having reason to believe or no later than 24 or 48 hours. Some states may require that a written report be submitted as a follow-up to your called-in report.



# DARKNESS TO LIGHT

## **When should I make a report?**

Most state law indicates that a report should be made when there is reason to believe that a child has been abused, is being abused, or is in danger of being abused. You should make the report as soon as you have reason to believe or receive a disclosure. You do not need to have proof and knowledge beyond a reasonable doubt that abuse is occurring. Some state laws indicate "reasonable suspicion" as necessary for the report. Again, this means that you do not have to have proof just knowledge to reasonably suspect abuse. Do not wait for proof or more information to make a report.

State law will dictate how soon you are required to make the report. Some state laws specify that a report must be made immediately after you have reason to believe; some state laws specify within 24 or 48 hours. Sometimes you may be asked to also submit a written report after calling in. In addition to making the report to the appropriate authority, follow your employer's procedures regarding notification to supervisors. If you believe a child to be in danger, call law enforcement immediately and state that you believe the child to be in imminent danger.

## **Am I liable if I make a report and it is not substantiated?**

No. Those persons making a report in good faith are protected from liability.

## **What information will I need to provide when making a report?**

At a minimum, you will need to provide the name, address, and age of the child, the name(s) and address(es) of the parents or guardians, and the nature of the abuse. The name of the perpetrator and the relationship to the child as well as any other details of the abuse are helpful, but if the child does not readily supply this information, do not continue to question or investigate further. Law enforcement or child protective services will perform the investigation, and you can add details to a report if they later become available. You are entitled to follow up at any point on a report to child protective services, which must provide you with current investigation status.

## **Do I need to provide my name when making a report?**

You do not need to provide your name unless you are a mandated reporter and required to do so by the law in your state; however in all cases mandated reporters contact information is confidential and protected by law. While anonymous reports are allowable, it is helpful to provide your name in the event that further information is needed.

## **What are the penalties for not making a report?**

A person who is required to report child abuse and who fails to do so has committed a crime. Penalties vary by state. Your state law defines the type of crime as well as imprisonment and/or any fines imposed.

## **What if I think I don't have enough information to make a report?**

It is always best to err on the side of the child. The agency you are reporting to will help determine if there is enough information to proceed. If there is not, the report remains on file. If you receive additional information you can always call back and add to the report. If additional reports are made for that same child, then sometimes, multiple reports can lead to an investigation.

## **Should I tell the parents of my report?**

It is best not to contact parents about your suspicions before making a report. Doing so could result in retribution against the child, destruction of evidence, or temporary removal of a perpetrator from the home. Under some conditions you may need to maintain open communication with the parent. When this happens, never accuse a parent of wrongdoing and explain that you are legally responsible to report.