

**Mandatory Child Abuse Reporting Policy**

**(Template)**

**INSTRUCTIONS**

This template provides an outline to follow and suggested language to include when developing an agency-specific Mandatory Child Abuse Reporting Policy.

All template text in **black** is general policy language and can be used as is. The text in **blue** indicates guidance for completing state-specific clauses. Text in **purple** indicates where state-specific information is needed. State-specific information can be found by following the links provided in each section. All blue and purple text must be deleted before finalizing the policy.

**Once completed, it is critical to consult with legal counsel to ensure accuracy.** Mandatory child abuse reporting is determined by state law. Statutes can be very difficult to interpret, and they are regularly updated. In addition, attorney general opinion and case law, which can be difficult to find, play a role in how the statutes are implemented and understood.

**Purpose:** The purpose of this policy is to describe ***(insert service site name)*** process for ensuring compliance with state laws requiring notification or the reporting of child abuse.

**Policy:** *[Agency may want to include the following]* Service site staff will:

* Participate in annual training on state laws requiring notification or the reporting of child abuse.
* Comply with state laws requiring notification or the reporting of child abuse.

**Procedure:** *[Service site may want to include the following]*

* Process for ensuring and documenting (e.g., staff circulars, training curricula) that all project staff have been trained annually on state laws requiring notification or the reporting of child abuse
* Process for notification and reporting of child abuse
* How staff can access this policy (location of paper/electronic version(s))

References are made to various state statutes in the information below. Statutes are noted for use as reference. This is not legal advice; **consult legal counsel for legal advice**. Staff should consult [***insert state***] statutes for the most current and complete wording of the child abuse and neglect reporting laws.

General Definitions

* **Child.** Person under age 18. ([Insert state code section])
* **Mandated Reporter.** Employee who is required by law to report child abuse or neglect, as defined by state statute, to the appropriate law enforcement or social service agency.

Confidentiality

Mandated child abuse reporting laws require the release of personal information when reporting is indicated. Thus, staff do not violate confidentiality laws when making a mandated report. Reporters may only release relevant and required information to the indicated reporting agency; the client’s confidentiality must still be maintained when it comes to parents or other individuals. The release of all other information requires client authorization.

All adolescent visits should begin with a clear, developmentally appropriate explanation of confidentiality to help build the trust needed to provide good care and facilitate the reporting process. Explain the limits of confidentiality, such as when a client or others are at risk or have been harmed.

Child Abuse and Neglect

1. Who Must Report **(**[Insert state code section]**)**

[Refer to [*Mandatory Reporters of Child Abuse and Neglect*](https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/) and review the following sections:

* “Professionals Required to Report”
* “Reporting by Other Persons”
* “Institutional Responsibility to Report”]

The following categories of employees at [insert agency name] are mandated reporters for abuse and neglect of a child:

* [Insert agency-specific mandated reporters according to state law]
* Exemptions include:
	+ [Insert exemptions and circumstances in which they are exempt, if any**.**]

[State laws vary regarding whether reporting duties are an individual’s responsibility or if they can be delegated to another person. Based on your state law, choose the appropriate statement below (and delete others).]

Child abuse reporting is an individual duty in the state of [insert state] and reporting to other staff through an internal process is not sufficient.

**OR**

[Insert job title] is the designated mandated reporter who can make reports on behalf of [insert agency name].

If a staff person is NOT a mandated reporter: [State laws vary regarding how people who are not mandated reporters should handle abuse that is disclosed. Choose the appropriate statement below (and delete others).]

* Concerns or suspicions of abuse or neglect must still be shared with a supervisor.

**OR**

* Concerns or suspicions of abuse or neglect may be shared with a supervisor.

 2. What Must Be Reported **(**[Insert state code section]**)**

[Refer to [*Mandatory Child Abuse Reporting State Summaries*](https://www.fpntc.org/resources/mandatory-child-abuse-reporting-state-summaries)]

Important**:** Intervention can be provided even if an abuse or neglect report is not indicated.

[Insert state] defines child abuse and neglect as:

* [Insert state-specific information]

[State laws vary regarding whether or not an act is reportable based on the perpetrator/victim relationship. Based on your state law, choose the appropriate statement below (and delete others).]

Report all acts of abuse and neglect *regardless of the perpetrator or person who allowed the abuse.*

**OR**

Report all acts of abuse *if the acts were perpetrated or allowed by* [insert type of perpetrator].

Report all acts of neglect *if the acts were perpetrated or allowed by* [insert type of perpetrator].

Reporting Specific Situations

If a particular activity is not reportable under child abuse reporting law, staff should determine whether a neglect report on the part of a caregiver is appropriate.

If a particular activity is not reportable under child abuse, neglect, or ANY other reporting law, staff must obtain client consent in order to report to law enforcement.

[Be aware of whether or not abuse and neglect are defined in your state law as acts perpetrated by or allowed by anyone or only specific individuals. Even if a particular act is not reportable under child abuse reporting law, it is important to document that fact in policy.]

* **Intimate Partner Violence (IPV)**
	+ Reportable activity includes: [Insert state-specific information (check other mandated reporting laws that may prompt staff to report IPV and include in policy.)]
* **Reportable Sexual Activity (e.g., rape, sexual assault, statutory rape)**
	+ Reportable activity includes: [Insert state-specific information]
	+ [If applicable] Reportable activity based on age only: [Insert state-specific information]
* **Commercial Sexual Exploitation and Sexual Trafficking**
	+ Reportable activity includes: [Insert state-specific information]
* **Pregnancy and Sexually Transmitted Diseases (STD) Considerations**
	+ [If an abuse report is required when the pregnant client or client with a STD is a particular age, include the following statement.] Report acts of possible abuse or neglect if the clientis [insert age criteria] and is pregnant and/or is diagnosed with a STD.

When Acts are Not Reportable under Child Abuse Law

The following situations are examples of when acts are not reportable:

* Behaviors or acts are illegal but not reportable under child abuse law
* Abuse was perpetrated by a non-reportable person (e.g., in states where only caregivers are reportable)
* Behavior or act that you consider abusive does not meet the state’s definition of child abuse and neglect

Staff will be trained on all mandated reporting laws in case the reporting duty is indicated under another statute, separate from child abuse laws [refer to agency’s other existing policies if applicable].

IMPORTANT: If not reportable, staff may still provide clinical intervention and support to clients.

3. When to Report **(**[Insert state code section]**)**

[Refer to [*Making and Screening Reports of Child Abuse and Neglect*](https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/repproc/) and review the *“Summaries of State Laws.”*]

Duty to Report

A report is required when [insert state-specific information(e.g., knows of, reasonably suspects, has observed child abuse or neglect)].

[Insert state-specific information (indicate if a report must be submitted any time or only while on duty.)]

Report if there is reasonable suspicion of abuse, even if all of the required information is not available. [Insert state-specific information].

[Choose the appropriate statement below (and delete others) to Indicate if mandated reporters must report even if the minor states he or she has already been reported.]

Report even if the minor states he or she has been reported already.

**OR**

If the minor states he or she has already been reported, it is not necessary to report.

Deadline for Reporting

Reports must be made[insert state-specific information (e.g., immediately, within 12 hours, within 3 days, etc. Indicate if there are different deadlines for oral and/or written reports.)].

* **Time Limitations on the Reporting Obligation**
	+ [Insert state-specific information (include any time limitations on the reporting obligation, as in past abuse.)]

4. How to Report **(**[Insert state code section]**)**

[Refer to [*Making and Screening Reports of Child Abuse and Neglect*](https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/repproc/), select *“Summaries of State Laws”* and review the following sections:

* “*Individual Responsibility to Report”*
* *“Contents of Reports”*]

Method for Reporting

Reports [must/may] be made by [insert state-specific information (e.g. phone, phone followed by written report, electronic submission, etc.)].

Complete [insert name of form] which is located [insert location of form at agency].

To Whom Reports are Made

When reporting a child abuse case, report to:

* [Insert state-specific information (indicate specifically which social service agency and/or law enforcement agency must be contacted, and if it depends on the type of perpetrator.)
	+ Agency name
	+ Phone number
	+ Hotline number
	+ Hours
	+ Other]

Contents of Report

Reports must include but are not limited to the following:

* Date of visit and name of the informant (usually the youth, but could also be a parent, caregiver, or other adult)
* Date of alleged abuse (or date range for ongoing abuse)
* Any injuries (this can be done on a body map)
* Date and time the report was submitted
* Name of the individual who took the report (if applicable)
* [Insert additional requirements per state law]

Agency Documentation and Recording-Keeping

[Insert agency name] requires that [insert reporting information required for agency files] be kept for [insert period of time]. Files must be stored in [insert location at agency]. Reports [should also/not] be included in the client’s record. [If agency chooses to maintain a log:] In addition to individual files, all reports must be entered into the Mandated Reporting Log located [insert location of log at agency].

The following information should be documented for agency files:

* Date report was completed and filed
* Date of visit and name of the informant (this will usually be the youth, but could also be a parent, caregiver, or other adult)
* Date of alleged abuse (or date range for ongoing abuse)
* Any injuries (this can be done on a body map)
* Date and time the report was submitted
* Name of the individual who took the report (if applicable)
* [Insert additional information required by agency]

Trauma-Informed Reporting

[Insert agency name] has made a commitment to utilizing trauma-informed practices. Staff engage in trauma-informed reporting, which means they do the following:

Provide care and services with sensitivity and awareness of a client’s possible past trauma

* Create a physically, psychologically, and emotionally safe space
* Allow clients to feel a sense of power and control over the services they receive
* Avoid processes, procedures etc. that could re-traumatize a client

Resources

[Insert local/national resources]

National Human Trafficking Hotline:

* Phone: 1-888-373-7888
* TTY: 711
* Text: 233733
* URL: <https://humantraffickinghotline.org>

Related Policies

[Insert list of other related policies]

Reviewed and updated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_