



Mandated Reporting for Child Sexual Abuse

All health and social service programs, including Title X family planning providers, are required by law to report child sexual abuse. The laws for reporting vary from state to state. This document is meant to serve as a guide to State reporting laws about child abuse for family planning staff who work in DHHS Region III (PA, DE, DC, MD, VA, and WV). The materials include: *Key Terms by State*, state-specific *Mandated Reporting: At a Glance*, and 2 case scenarios per state.

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These fact sheets are not meant to replace direct legal advice by a legal expert. They are intended as guides.



MANDATORY REPORTING FOR CHILD SEXUAL ABUSE

Table of Key Terms by State in Region III

Child Abuse Reporting Requirement

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, mentally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. See the table of key definitions by state as well as state-specific fact sheets for more details. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.

Key Definitions Used by All States Falling Within Region III

1. **Child:** Any person/child UNDER 18 years of age
2. **Family Member:** A relative by blood, adoption or marriage of a child
3. **Household Member:** A person who lives with a child, or is a regular presence in the home of a child, at the time of the alleged abuse or neglect

	Child Abuse	Child Neglect	Sexual Abuse	Alleged Perpetrator
Delaware	Any physical injury to a child by those responsible for the care, custody, and control of the child, through unjustified force, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment.	The failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary: education as required by law; nutrition; or medical, or surgical, or any other care necessary for the child's well-being.	The exploitation of a child (by an alleged perpetrator) for the sexual gratification of the alleged perpetrator or another person. It may include intercourse, sodomy, oral genital stimulation, verbal stimulation, exhibitionism, voyeurism, fondling, child pornography or prostitution.	Anyone responsible for the care, custody and control of the child. This includes: the child's parents, guardian, or custodian, other members of the child's household, adults within the household who have responsibility for the child's well-being, and/or persons who have temporary responsibility for the child's well-being.
District of Columbia	When a parent, guardian or custodian inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury upon a child, including excessive corporal punishment, sexual abuse, molestation, or exploitation, or an injury that results for exposure to drug-related activity in the child's home environment.	Failure to provide adequate food, clothing, shelter, or medical care, which includes medical neglect, and the deprivation is not due to the lack of financial means of her parent guardian or other custodian.	When a perpetrator engages in, or attempts to engage in, a sexual act or sexual contact with a child, which: causes or attempts to cause a child to engage in sexually explicit conduct and/or exposes the child to sexually explicit conduct. Sexual exploitation means a parent, guardian, or other custodian allows a child to engage in prostitution, or engages a child or allows a child to engage in obscene or pornographic photography, filming, or other forms of illustrating or promoting sexual conduct.	Any parent, guardian or custodian who inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury upon the child.

	Child Abuse	Child Neglect	Sexual Abuse	Alleged Perpetrator
Maryland	The physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed.	The failure to give proper care and attention to a child including the leaving of a child unattended under circumstances that indicate that the child's health, mental health and/or welfare is harmed or placed at substantial risk of harm.	An act or acts involving sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care/custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes incest, rape, sexual offence in any degree, sodomy, and unnatural and perverted sexual practices whether physical injuries are sustained or not.	Any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.
Pennsylvania	Any recent act or failure to act by a perpetrator, which causes non-accidental serious physical injury, risk of imminent serious physical injury, mental injury, sexual abuse or sexual exploitation of a child.	Serious physical neglect by a perpetrator constitutes prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.	An act or failure to act by a perpetrator that results in the employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing: any visual depiction, including photographing, video-taping, computer depicting, or finding of any sexually explicit conduct; or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, incest, incest, indecent exposure, prostitution, statutory sexual assault, or other form of sexual exploitation of children.	A parent of a child, a person responsible for the welfare of a child, an individual over 14 residing in the same home as a child, or a paramour (boyfriend/girlfriend) of a child's parent.
Virginia	When a parent or other person responsible for a child's care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical and/or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions.	When a parent or other person responsible for the child's care neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or healthcare, abandons the child, or fails to provide adequate supervision in relation to the child's age and level of development.	When a parent or other person responsible for the child's care commits or allows to be committed any illegal sexual act upon a child including incest, rape, fondling, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material.	Parent or other person responsible for the care of the child.

	Child Abuse	Child Neglect	Sexual Abuse	Alleged Perpetrator
West Virginia	When a parent, guardian or custodian knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home.	Physical injury, mental or emotional injury, sexual abuse, sexual exploitation, sale or attempted sale or negligent treatment or maltreatment of a child by a parent, guardian or custodian who is responsible for the child's welfare, under circumstances which harm or threaten the health and welfare of the child.	<p>Any of the following acts (sexual intercourse, sexual intrusion, sexual contact, display of sex organs for the purpose of gratifying sexual desire or alarming the child) which a parent, guardian or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in, with such child, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct.</p> <p>Sexual exploitation means an act whereby a parent, custodian, or guardian, whether for financial gain or not, persuades, induces, entices, or coerces a child to engage in sexually explicit conduct or parent, guardian, or custodian persuades, induces, entices, or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows such display is likely to be observed by others who would be affronted or alarmed.</p>	Parent, guardian, or custodian of a child.

Sources:

1. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)



DELAWARE

Mandatory Reporting of Child Abuse At a Glance

When to Report Child Abuse

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, emotionally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. All of the underlined elements in the preceding sentence must be in place for a situation to be considered child abuse. See the table of key definitions by state for more details about each of these above terms. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.*

Who is a Mandatory Reporter?

Any physician, and any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner **or any other person who knows or reasonably suspects child abuse or neglect** shall make a report in accordance with § 9904 of the state Child Abuse Prevention Act of 1997.

Title X Providers and Mandatory Reporting

In spending bills in 1998/1999 language was added that states:

“Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape or incest.”

As a Title X provider, it is your responsibility to adhere to all Title X guidelines

To whom is Child Abuse Reported?

If you suspect a child under the age of 18 is being abused or neglected or is at risk for abuse or neglect, you should make a report to the Division of Family Services:

- Local and Regional: 1-800-292-9582 (24 hours a day)
- Out of State: 302-577-6550

What is the Process for Reporting Child Abuse?

Once you call the Division of Family Service, you may be asked to make a report. Reports shall include the following information:

- Name, age, and home address of the child;
- Name, approximate age and home address of the sexual predator
- Name and home address of the parent, guardian or custodian;
- Time and location of reported abuse; and
- As much of the following information known or available to the reporter: Nature and extent of the situation, blood relationship between victim and perpetrator (if any), other information about the predator such as mental illness, pending criminal charges, substance abuse, etc.

You do not need to have all the above information to make a report, but the more accurate information you can provided, the better equipped the children and youth agency will be to assess the child's risk. Before filing a child or sexual abuse report, it is recommended that you consult with your supervisor. Careful documentation is essential.

Influence of the Child Sexual Predator Act of 1996

“The Sexual Predator Act of 1996 was signed into law by Governor Thomas R. Carper on August 1, 1996. In recognition of the fact that illicit sexual activity between adult males and teenage girls is contributing to the high teenage pregnancy rates in Delaware and the nation, this legislation is intended to combat teen pregnancy by imposing more severe criminal sanctions on adult males who are significantly older than their victims and holding

them financially accountable when children are born as a result of violations of the law.” The Act increases penalties for adults who have sexual intercourse when the victim is:

- 16 or 17 years of age and the predator is 30 years of age or older;
- Younger than 16 years of age and the predator is 10 or more years older than the victim;
- Younger than 14 years of age and the predator is 19 years of age or older.

(Taken from a Memorandum for the Delaware Health and Social Services Division of Social Services, Program Implementation Unit, Administrative Notice A-01-2003, 1/9/03)

Sources:

2. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)
3. www.state.de.us/kids
4. Health and Safety – Abuse of Children: Title 16 Chapter 9 § 901-923
5. Crimes and Criminal Procedure: Title 11 Chapter 5, §1100-1112
6. The Child Sexual Predator Act of 1996

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DELAWARE SCENARIO #1

Joy just turned 13 and is in a panic because she thinks she is pregnant by a 22-year old man.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, you would not immediately report with this information alone. You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You would want to know more information about the 22-year-old man. At this point, based State law and the Child Sexual Predator Act of 1996, you know that this is a criminal offense (as per this act penalties are increased and reportable for offenders in several instances, including the instance where the victim is younger than 14 years of age and the predator is 19 years of age or older) However, without further information, you do not know if the offender also falls within the definition of an alleged perpetrator. If the parent(s) do know about this relationship, do they condone it?

After clarifying, she admits that she is afraid to tell her Mom because he lives with them and is her Mom's boyfriend.

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: YES, you do report this. You report it to Child Protective Services (CPS). You will definitely report the partner since he can be defined as both a predator and an alleged perpetrator (he is defined as a predator as per the Child Sexual Predator Act of 1996 described above and as an alleged perpetrator as he is a member of the child's household). CPS will also gather information to determine if the mom has been negligent. If the partner were not the Mom's live-in boyfriend, but rather a neighbor, you would not report the neighbor. However, if you assess that the parent is negligent, you may report the parent to CPS.

Issues and considerations:

This case may evoke some strong feelings in the provider. You may have strong feelings about this man, and what you think "should" be done. It will be important for you to present as non-judgmental and counsel the client around issues of coercion. If you are mandated to report, you will want to talk to the client about this, and determine that she will be safe when leaving your agency.



DELAWARE SCENARIO #2

Britney is an 11-year old who came in for a pregnancy test. You notice several bruises on her abdomen and arms when you examined her. When you ask her about them Britney says her boyfriend gets a little rough sometimes.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You will want to find out how old her partner is, where he lives and what her relationship is to him.

After clarifying, she tells you her boyfriend is 16-years old

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Assuming that Britney's partner does not live in the same house as Britney, NO, you are not mandated to report as the partner does not fall into the category of alleged perpetrator or sexual predator. This may be another example of the family planning provider assessing to determine if the parent is negligent. If their child is being abused and they know and are not doing anything to protect the child, then the parent may be reported to Child Protective Services (CPS).

If the boyfriend were 19 years or older, this would be a reportable offense of statutory rape as per a Memorandum of Understanding (MOU) of the Sexual Predator Act of 1996. In accordance with the MOU of the Sexual Predator Act of 1996, between state agencies, staff from these agencies must report all sexual predator cases to the division of Family Services through the Child Abuse Report Line. Sexual predator conditions include when the victim is 16 or 17 years of age and the predator is 30 years of age or older, when the victim is younger than 16 years of age and the predator is 10 or more years older than the victim, and when the victim is younger than 14 years of age and the predator is 19 years of age or older. If you have any concerns about a specific situation, please contact legal counsel regarding reporting requirements to ensure you are in compliance with reporting standards.

Issues and considerations:

This may also be a difficult scenario for providers. You may find this behavior on the part of the partner unacceptable. You will need to work with the client to help empower her, and if appropriate, assist her in seeking additional support. You will want to talk about her relationship with her parents, and determine if there is a way to include them in this process.



MARYLAND Mandatory Reporting of Child Abuse at a Glance

When to Report Child Abuse

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, mentally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. All of the underlined elements in the preceding sentence must be in place for a situation to be considered child abuse. Also, in Maryland, you must report abuse that occurred during childhood to an individual now an adult. In this case, Child Protective Services (CPS) will only investigate the incident if the alleged perpetrator still cares for children. See the table of key definitions by state for more details about each of these above terms. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.*

Who is a Mandatory Reporter?

Mandatory reporters include health practitioners (defined as any person who is authorized to practice healing under the Health Occupations Article or the Education Article); educator and human service workers (defined as any professional employee of any correctional, public, parochial or private educational, health juvenile service, social service agency, institution, or licensed facility including teachers, counselors, social workers, caseworkers and probation or parole officer); and police officers

Title X Providers and Mandatory Reporting

In Federal spending bills in 1998/1999 language was added that states:

“Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape or incest.”

As a Title X provider, it is your responsibility to adhere to all Title X guidelines

To whom is Child Abuse Reported?

In case of child abuse, the appropriate law enforcement agency or the local department of social services must be notified. You can locate the appropriate phone number to call in each jurisdiction by going to CPS website at www.dhr.md.us/cps

What is the Process for Reporting Child Abuse?

One should make an oral report immediately and follow that with a written report no later than 48 hours after the contact, examination, treatment or other circumstances that caused the individual to believe that the child had been subjected to abuse or neglect. A report form is available at the CPS website should you choose to use it. In general, reports shall include:

- The name and home address of the child and the parent or other individual responsible for the care of the child;
- The present location of the child;
- The age of the child;
- The names and ages of other children in the home;
- The nature and extent of injuries or sexual abuse or neglect of the child, including any information known to the individual making the report of previous possible physical or sexual abuse or neglect;
- Additional relevant information available to the individual reporting;
- If reporting abuse or neglect of a child involving mental injury, a description of the substantial impairment of the child's mental or psychological ability to function that was observed and identified, and why it is believed to be attributable to an act of maltreatment or omission of proper care and attention.

You do not need to have all the above information to make a report. The more accurate the information you can provide, the better equipped the Children and Youth agency will be to assess the child's risk.

Sources:

1. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)
2. MARYLAND CODE/Family Law/Title 5. Children/Subtitle 7. Child Abuse and Neglect §5-701
3. www.dhr.state.md.us/cps

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MARYLAND SCENARIO #1

Joy just turned 13 and is in a panic because she thinks she is pregnant by a 22-year old man.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, you would not immediately report with this information alone. You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You would want to know more information about the 22-year-old man. Without further information, you know this is a criminal offense (statutory rape in MD is defined by a person who engages in a sexual act or vaginal intercourse with another person under 16 years of age and the person performing the act is four or more years older than the victim), but you do not know if he falls within the definition of an alleged perpetrator or what the role the parent(s) play in Joy's life. If the parent(s) do know about this relationship, do they condone it?

After clarifying, she admits that she is afraid to tell her Mom because he lives with them and is her Mom's boyfriend.

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: YES, you do report this. You report it to Child Protective Service (CPS)s. You will definitely report the partner because he is a household member and therefore defined as an alleged perpetrator in this case. CPS will also gather information to determine if the mom has been negligent. If the partner were not the Mom's live-in boyfriend, but rather a man Joy met at the local mall, you would not report the man. However, if you suspect that the parent is negligent, you may report the parent to CPS.

Issues and considerations:

This case may evoke some strong feelings in the provider. You may have strong feelings about this man, and what you think "should" be done. It will be important for you to present as non-judgmental and counsel the client around issues of coercion. If you are mandated to report, you will want to talk to the client about this, and determine that she will be safe when leaving your agency.



MARYLAND SCENARIO #2

Britney is an 11-year old who came in for a pregnancy test. You notice several bruises on her abdomen and arms when you examined her. When you ask her about them Britney says her boyfriend gets a little rough sometimes.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You will want to find out how old her partner is, where he lives and what her relationship is to him.

After clarifying, she tells you her boyfriend is 16-years old

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Assuming that Britney's partner does not live in the same house as Britney, NO, you are not mandated to report as the partner does not fall into the category of alleged perpetrator. The state of Maryland, Department of Health and Mental Hygiene writes, " Sexual offenses involving victim under the age of 18 and a perpetrator other than a family or household member or someone with permanent or temporary care, custody or responsibility for the supervision of the child do not meet legal requirements for mandated reporting. Unless the offense is perpetrated by a family or household member, or someone with permanent or temporary custody or responsibility for supervision of the victim, statutory rape is not subject to the mandated reporting requirement. A healthcare worker could risk licensing penalties, civil liability or criminal penalty."

However, this may be another example of the family planning provider assessing to determine if the parent is negligent. If their child is being abused and they know and are not doing anything to protect the child, then the parent may be reported to Child Protective Services (CPS).

Issues and considerations:

This may also be a difficult scenario for providers. You may find this behavior on the part of the partner unacceptable. You will need to work with the client to help empower her, and if appropriate, assist her in seeking additional support. You will want to talk about her relationship with her parents, and determine if there is a way to include them in this process.



PENNSYLVANIA

Mandatory Reporting of Child Abuse at a Glance

When to Report Child Abuse

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, mentally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. All of the underlined elements in the preceding sentence must be in place for a situation to be considered child abuse. See the table of key definitions by state for more details about each of these above terms. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.*

Who is a Mandatory Reporter?

Mandatory reporters include all individuals who encounter a case of suspected abuse through their professional or official capacity. The state exempts clergy who learn of abuse through confidential confession. Specifically, mandatory reporters include: healthcare professionals (e.g. physicians, osteopaths, medical examiners, coroners, dentists, optometrists, chiropractors, podiatrists, interns, registered nurses, licensed practical nurses, hospital personnel engaged in the admission, examination, care or treatment of persons, and Christian Science practitioners); members of the clergy; funeral directors; school administrators; school teachers; school nurses; social services workers; day-care center workers or any other child-care or foster-care workers; mental health professionals; and peace officers or law enforcement officials.

Title X Providers and Mandatory Reporting

In spending bills in 1998/1999 language was added that states:

“Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape or incest.”

As a Title X provider, it is your responsibility to adhere to all Title X guidelines

To whom is Child Abuse Reported?

The Department of Public Welfare is required to maintain a statewide toll-free hotline and central registry to receive and track reports of abuse. The “ChildLine” toll free number is 1-800-932-0313. It is a 24-hour, 7-day a week hotline.

What is the Process for Reporting Child Abuse?

Once you call the Department of Public Welfare, you may be asked to make a report. Reports shall include the following information:

- Names of the child, parents, siblings and alleged perpetrator
- Birthdates (if unknown, approximate ages)
- Addresses (if unknown, directions to home)
- Phone numbers
- Nature of the incident (what happened, when, where, who was involved)
- How did you become aware of the incident (witness, told by someone)
- Factors that put the child at risk

You do not need to have all the above information to make a report, but the more accurate information you can provided, the better equipped the children and youth agency will be to assess the child's risk.

Sources:

4. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)
5. Child Protective Services Code: Chapter 3490

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PENNSYLVANIA SCENARIO #1

Joy just turned 13 and is in a panic because she thinks she is pregnant by a 22-year old man.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, you would not immediately report with this information alone. You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You would want to know more information about the 22-year-old man. Without further information, you know this is a criminal offense, but you do not know if he falls within the definition of an alleged perpetrator or what the role the parent(s) play in Joy's life. If the parent(s) do know about this relationship, do they condone it?

After clarifying, she admits that she is afraid to tell her Mom because he lives with them and is her Mom's boyfriend.

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: YES, you do report this. You report it to Child Protective Services. You will definitely report the partner because he is a paramour of the child's parent and household member over the age of 14 years (both of which define the 22-year old man as an alleged perpetrator in PA). CPS will also gather information to determine if the mom has been negligent. If the partner were not the Mom's live-in boyfriend, but rather a neighbor, you would not report the neighbor. However, if you assess that the parent is negligent, you may report the parent to CPS.

Issues and considerations:

This case may evoke some strong feelings in the provider. You may have strong feelings about this man, and what you think "should" be done. It will be important for you to present as non-judgmental and counsel the client around issues of coercion. If you are mandated to report, you will want to talk to the client about this, and determine that she will be safe when leaving your agency.



PENNSYLVANIA SCENARIO #2

Britney is an 11-year old who came in for a pregnancy test. You notice several bruises on her abdomen and arms when you examined her. When you ask her about them Britney says her boyfriend gets a little rough sometimes.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You will want to find out how old her partner is, where he lives, and what her relationship is to him. Without further information, you know this is a criminal offense (According to PA law, a person commits the offense of rape of a child, a felony of first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age,) however, you do not know if the boyfriend is an alleged “perpetrator.” You are only mandated to report the boyfriend if the boyfriend is an alleged “perpetrator.”

After clarifying, she tells you her boyfriend is 16-years old

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Assuming that Britney’s partner does not live in the same house as Britney, NO, you are not mandated to report as the partner does not fall into the category of alleged perpetrator. This may be another example of the family planning provider assessing to determine if the parent is negligent. If their child is being abused and they know and are not doing anything to protect the child, then the parent may be reported to CPS.

Issues and considerations:

This may also be a difficult scenario for providers. You may find this behavior on the part of the partner unacceptable. You will need to work with the client to help empower her, and if appropriate, assist her in seeking additional support. You will want to talk about her relationship with her parents, and determine if there is a way to include them in this process.



VIRGINIA

Mandatory Reporting of Child Abuse at a Glance

When to Report Child Abuse

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, mentally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. All of the underlined elements in the preceding sentence must be in place for a situation to be considered child abuse. See the table of key definitions by state for more details about each of these above terms. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.*

Who is a Mandatory Reporter?

Mandatory reporters include any person licensed to practice medicine or any of the healing arts; hospital residents or interns; nurses; accredited Christian Science practitioners; social workers; probation officers; teachers or other persons employed in public or private schools, kindergartens, or nursery schools; child care providers; mental health practitioners; law enforcement officers; court appointed special advocates; court certified mediators; professional staff employed by a hospital, institution, or facility in which children are placed, or persons associated with or employed by any private organization responsible for the care, custody, and control of children.

Title X Providers and Mandatory Reporting

In spending bills in 1998/1999 language was added that states:

“Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape or incest.”

As a Title X provider, it is your responsibility to adhere to all Title X guidelines

To whom is Child Abuse Reported?

You can report abuse to your local Department of Social Services County Office. You can also call the Statewide Child Abuse and Neglect Hotline within Virginia at 1 (800) 522-7096 or Out-of-State at 1 (804) 786-8536.

What is the Process for Reporting Child Abuse?

Mandated reporters should report suspected allegations of abuse or neglect to their supervisor. Staff must follow the local health district policy for mandated reporting of suspected child abuse to Social Services.

Any person required to make the report shall disclose all information which the basis for his/her suspicion of abuse or neglect of the child and, upon request, shall make available to the child protective services coordinator and the local department of social services, which is the agency of jurisdiction, any record or reports which document the basis for the report.

Sources:

6. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)
7. VIRGINIA CODE §63

* This fact sheet is not meant to replace direct legal advice by a legal expert. It is intended to be a guide.



VIRGINIA SCENARIO #1

Joy just turned 13 and is in a panic because she thinks she is pregnant by a 22-year old man.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, you would not immediately report with this information alone. You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You would want to know more information about the 22-year-old man. Without further information, you know this is a criminal offense, but you do not know if he falls within the definition of an alleged perpetrator or what the role the parent(s) play in Joy's life. If the parent(s) do know about this relationship, do they condone it?

After clarifying, she admits that she is afraid to tell her Mom because he lives with them and is her Mom's boyfriend.

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: YES, you do report this. You report it to Child Protective Services (CPS). You will definitely report the partner since Virginia defines an alleged perpetrator as a parent or other person responsible for the care of the child. CPS will also gather information to determine if the mom has been negligent. If the partner were not the Mom's live-in boyfriend, but rather a neighbor, you would not report this incident as the neighbor is not considered an alleged perpetrator. However, you could assess if the parent is negligent, and if you suspect parental negligence, you may report the parent to CPS.

Issues and considerations:

This case may evoke some strong feelings in the provider. You may have strong feelings about this man, and what you think "should" be done. It will be important for you to present as non-judgmental and counsel the client around issues of coercion. If you are mandated to report, you will want to talk to the client about this, and determine that she will be safe when leaving your agency.



VIRGINIA

SCENARIO #2

Britney is an 11-year old who came in for a pregnancy test. You notice several bruises on her abdomen and arms when you examined her. When you ask her about them Britney says her boyfriend gets a little rough sometimes.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You will want to find out how old her partner is, where he lives and what her relationship is to him.

After clarifying, she tells you her boyfriend is 16-years old

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Yes, you would report this incident to Child Protective Services (CPS). This situation is reportable as required by State law and the VA Department of Health (Division of Women's and Infants' Health) because VA state law states that any minor under the age of 13 cannot consent. As mandated reporters, you are required to report to CPS any suspicion of abuse or neglect.

Issues and considerations:

This may also be a difficult scenario for providers. You may find this behavior on the part of the partner unacceptable. You will need to work with the client to help empower her, and if appropriate, assist her in seeking additional support. You will want to talk about her relationship with her parents, and determine if there is a way to include them in this process.



WASHINGTON D.C. Mandatory Reporting of Child Abuse at a Glance

When to Report Child Abuse

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, mentally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. All of the underlined elements in the preceding sentence must be in place for a situation to be considered child abuse. See the table of key definitions by state for more details about each of these above terms. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.*

Who is a Mandatory Reporter?

Mandatory reporters include physical and mental health providers; law enforcement officers (except an undercover officer whose identity or investigation might be jeopardized); school officials and teachers; social service workers; and day care workers.

Title X Providers and Mandatory Reporting

In spending bills in 1998/1999 language was added that states:

“Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape or incest.”

As a Title X provider, it is your responsibility to adhere to all Title X guidelines

To whom is Child Abuse Reported?

To report abuse, call the D.C. Child and Family Services Agency at 202-671-7233 or Child Protective Services at 202-884-4100. Mandatory reporters can also make an oral report to the Metropolitan Police Department.

What is the Process for Reporting Child Abuse?

Once you suspect child abuse, immediately make an oral report to Child Protective Services or the Metropolitan Police Department. If requested by said Division or Police, make a written report that includes:

- The name, age, sex and address of the child who is the subject of the report; each of the child's siblings; and each of the child's parents or other persons responsible for the child's care
- The nature and extent of the abuse or neglect of the child and any previous abuse or neglect, if known
- All other information which the person making the report believes may be helpful in establishing the cause of the abuse or neglect and the identity of the person responsible for the abuse or neglect
- If the source was required to report under this subchapter, the identity and occupation of the source, how to contact the source and a statement of the action taken by the source concerning the child

You do not need to have all the above information to make a report, but the more accurate information you can provided, the better equipped the children and youth agency will be to assess the child's risk.

Sources:

8. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)
9. Statute: §§ 2-1351 to 1357, § 4-1301, § 4-1321, § 16-2301

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WASHINGTON DC

SCENARIO #1

Joy just turned 13 and is in a panic because she thinks she is pregnant by a 22-year old man.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, you would not immediately report with this information alone. You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You would want to know more information about the 22-year-old man. Without further information, you know this is a criminal offense, but you do not know if he falls within the definition of an alleged perpetrator or what the role the parent(s) play in Joy's life. If the parent(s) do know about this relationship, do they condone it?

After clarifying, she admits that she is afraid to tell her Mom because he lives with them and is her Mom's boyfriend.

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Yes, you would report this to Child Protective Services (CPS) since the District of Columbia defines an alleged perpetrator as a parent, guardian or custodian. You should also assess if the parent is negligent. If their child is being abused and they know and are not doing anything to protect the child, then the parent may be reported to CPS as well.

Issues and considerations:

This case may evoke some strong feelings in the provider. You may have strong feelings about this man, and what you think "should" be done. It will be important for you to present as non-judgmental and counsel the client around issues of coercion. If you are mandated to report, you will want to talk to the client about this, and determine that she will be safe when leaving your agency.



WASHINGTON DC SCENARIO #2

Britney is an 11-year old who came in for a pregnancy test. You notice several bruises on her abdomen and arms when you examined her. When you ask her about them Britney says her boyfriend gets a little rough sometimes.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You will want to find out how old her partner is, where he lives and what her relationship is to him.

After clarifying, she tells you her boyfriend is 16-years old

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Assuming that Britney's partner does not live in the same house as Britney, NO, you are not mandated to report as the partner does not fall into the category of alleged perpetrator. This may be another example of the family planning provider assessing to determine if the parent is negligent. If their child is being abused and they know and are not doing anything to protect the child, then the parent may be reported to Child Protective Services (CPS).

Issues and considerations:

This may also be a difficult scenario for providers. You may find this behavior on the part of the partner unacceptable. You will need to work with the client to help empower her, and if appropriate, assist her in seeking additional support. You will want to talk about her relationship with her parents, and determine if there is a way to include them in this process.



WEST VIRGINIA

Mandatory Reporting of Child Abuse at a Glance

When to Report Child Abuse

A mandatory reporter must report child abuse when they suspect a child who is under the age of 18 has been physically, mentally and/or sexually abused or neglected by an individual who is defined by the law as an alleged perpetrator. All of the underlined elements in the preceding sentence must be in place for a situation to be considered child abuse. See the table of key definitions by state for more details about each of these above terms. If uncertain regarding who is a mandatory reporter and/or whether a specific situation meets the definition of child abuse in your State, contact a supervisor and your organization's legal services department.*

Who is a Mandatory Reporter?

Mandatory reporters include medical, dental, or mental health professionals; religious healers; social service workers; school teachers and other school personnel; members of the clergy; child care or foster care workers; emergency medical services personnel; law enforcement officials and circuit court judges; family law masters or magistrates; and Christian Science practitioners (WV Code Chapter 49-6A-2).

Title X Providers and Mandatory Reporting

In spending bills in 1998/1999 language was added that states:

“Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape or incest.”

As a Title X provider, it is your responsibility to adhere to all Title X guidelines

To whom is Child Abuse Reported?

When you suspect that a child is being abused you should immediately report your concerns to the Child Protective Services unit in the county office of the Department of Health and Human Resources where you live (as per WV Code 49-6A-5). Reports can also be made to the Child Abuse and Neglect Hotline at 1-800-352-6513. Once a verbal report has been made, it should be followed up by a written report within 48 hours.

What is the Process for Reporting Child Abuse?

When making a report, it is helpful to provide as much information as possible, including:

- The name, address, and telephone number of the child and their parents, or other person (s) responsible for the care of the child.
- Directions to the home (when possible)
- Names and ages of others in the home (siblings, other children, adults)
- Name, address and telephone number of the suspected abuser
- The nature and extent of the abuse or neglect, including any knowledge of prior abuse or neglect of the child(ren)
- Any knowledge about the parents regarding their behavior, drug abuse, discipline methods, etc.
- Whether the child is indicating a fear of the home
- The Child's overall behavior, functioning and current condition
- Your name, address, and phone number
- Any other pertinent information

You do not need to have all the above information to make a report, but the more accurate information you can provided, the better equipped the children and youth agency will be to assess the child's risk.

Sources:

10. Child Welfare Information Gateway. http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm (last viewed, 6/28/06)
11. Child Protective Services Code: 49

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WEST VIRGINIA SCENARIO #1

Joy just turned 13 and is in a panic because she thinks she is pregnant by a 22-year old man.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, you would not immediately report with this information alone. You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You would want to know more information about the 22-year-old man. Without further information, you know this is a criminal offense (in WV a person is deemed incapable of consent when such a person is less than 16 years old and a person is guilty of sexual assault if the offender is 16 years old or more, and engages in sexual intercourse or sexual intrusion with another person who is less than 16 years old and who is at least four years younger than the defendant), but you do not know if he falls within the definition of an alleged perpetrator or what the role the parent(s) play in Joy's life. If the parent(s) do know about this relationship, do they condone it?

After clarifying, she admits that she is afraid to tell her Mom because he lives with them and is her Mom's boyfriend.

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Yes, you would report this case to Child Protective Services (CPS) since West Virginia defines an alleged perpetrator as a parent, guardian or custodian. This also may be a case of child neglect on the parent's part if their child is being abused and they know and are not doing anything to protect the child.

Issues and considerations:

This case may evoke some strong feelings in the provider. You may have strong feelings about this man, and what you think "should" be done. It will be important for you to present as non-judgmental and counsel the client around issues of coercion. If you are mandated to report, you will want to talk to the client about this, and determine that she will be safe when leaving your agency.



WEST VIRGINIA SCENARIO #2

Britney is an 11-year old who came in for a pregnancy test. You notice several bruises on her abdomen and arms when you examined her. When you ask her about them Britney says her boyfriend gets a little rough sometimes.

Reporting decision:

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: NO, You would need to gather more information.

What kind of clarifying information might you need to ask?

Answer: You will want to find out how old her partner is, where he lives, and what her relationship is to him.

After clarifying, she tells you her boyfriend is 16-years old

Do you report? Why or why not? If yes, what is it you are reporting to whom?

Answer: Assuming that Britney's partner does not live in the same house as Britney, NO, you are not mandated to report as the partner does not fall into the category of alleged perpetrator. This is the case even though this situation would be considered statutory rape (in WV, a person is guilty of sexual assault in the first degree when such person, being 14 years old or more, engages in sexual intercourse or sexual intrusion with another person who is 11 years old or less). Reporting of "statutory rape" by a mandated reporter of a person not defined as a "alleged perpetrator" may be a breach of confidentiality. However, this may be another example of the family planning provider assessing to determine if the parent is negligent. If their child is being abused and they know and are not doing anything to protect the child, then the parent may be reported to Child Protective Services (CPS).

Issues and considerations:

This may also be a difficult scenario for providers. You may find this behavior on the part of the partner unacceptable. You will need to work with the client to help empower her, and if appropriate, assist her in seeking additional support. You will want to talk about her relationship with her parents, and determine if there is a way to include them in this process.