



## WASHINGTON D.C. Mandatory Reporting of Child Abuse FactSheet

### **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 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](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 6/28/06)
2. Statute: §§ 2-1351 to 1357, § 4-1301, § 4-1321, § 16-2301

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



## DC MANDATORY REPORTING FOR CHILD ABUSE

### 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. 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

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	Child Sexual Abuse	Alleged Perpetrator	State Code
<b>District of Columbia</b>	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. <b>Sexual exploitation</b> 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.	§16-2301 §4-1321.02

### Sources:

1. Child Welfare Information Gateway. [http://www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 9/2011)



## **DELAWARE**

### **Mandatory Reporting of Child Abuse FactSheet**

#### **When to Report Child Abuse and Neglect**

If you suspect a child is being abused or neglected or at risk thereof, you must make a report to the Child Abuse Report Line.

#### **Who is a Mandatory Reporter?**

In Delaware, all citizens are required to report child abuse and neglect:

**16 Del.C. § 903. Reports required.** Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.

#### **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.*

#### **Am I violating HIPAA when I make a report?**

The reporting of child abuse and neglect is not precluded by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Federal and HIPAA rules do not apply where “the provision of State law, including State procedures established under such law, as applicable, provides for the reporting of disease or injury, child abuse, birth, or death, or for the conduct of public health surveillance, investigation, or intervention.” HIPAA (1) Section 160.203(c)

#### **To whom is Child Abuse and Neglect 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 **24/7 toll-free Child Abuse Report Line at 1-800-292-9582. Delaware's 800# is a statewide and national number.**

- In Delaware, ALL reports of child abuse and neglect are to be made to the Child Abuse Report Line.
- Spanish translation is available to make a report during the weekdays from 8:00 a.m. to 3:30 p.m.
- Calls are digitally recorded for random quality assurance reviews.

When a child's life is in danger, you should call 911 before calling the Child Abuse Report Line.

### **What information is needed to make a report?**

The person who spoke to or observed the suspected child abuse should make the report. Any other individuals that have been informed about the information to be reported should also be named as reporters. More information is better than less because it assists the Division of Family Services in determining the best response time, but you should report all available information even when it is not complete. The requested information includes:

- Demographics
- Describe the abuse or neglect or why the child is at risk of CAN (child abuse and neglect)
- Known information about the parents or siblings
- Known information about the alleged child victim's physical health, mental health, educational issues or parents or siblings
- Is the alleged child victim in need of medical attention for injuries?
- Known information that could put the child's or worker's safety in peril such as the presence of alcohol, drugs, weapons, dangerous animals, or criminal behavior

Within 72 hours of making a report, professionals should complete the Mandatory Reporting Form and mail or fax it to the Report Line. Information can be typed into the Mandatory Reporting form that can be found online at I See the Signs - [http://kids.delaware.gov/pdfsFillSave/fs\\_CAN\\_MandatoryForm\\_FS.pdf](http://kids.delaware.gov/pdfsFillSave/fs_CAN_MandatoryForm_FS.pdf).

### **Drug-Exposed Infants**

- Hospitals should make a report when a mother, baby, or both test positive for substances at birth. The Division of Family Services (DFS) is federally required to develop a plan of safe care for drug-exposed infants.
- The substances can be illegal or legally prescribed medications that were abused.
- DFS does not accept reports that allege a mother tests positive for methadone at delivery when it is prescribed by a drug treatment program.

### **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)

**Any child under the age of 12 years cannot consent to a sexual act. Also, two children under the age of 12 cannot legally consent to a sexual act. 6 Such events should be reported to the Child Abuse Report Line so that the Division of Family Services can determine whether the children are past victims of sexual abuse who may be engaging in inappropriate sexual activities or to determine whether the children are active in the Division’s foster care or child care systems. The Division wants to ensure that children receive appropriate services and also protect other children from becoming victims.**

#### **Safe Arms for Babies (1-800-262-9800)**

**Safe Arms for Babies is a law that allows a parent to go to any Delaware hospital emergency department and leave their newborn (14 days old or younger) with any emergency department staff or volunteer. This law provides immunity from criminal prosecution for abandonment provided the baby is alive, unharmed and brought into a hospital emergency department. Detailed information, forms, and emergency room locations regarding Safe Arms for Babies can be found at the Division of Public Health’s website: <http://www.dhss.delaware.gov/dhss/dph/chca/dphabsab01.html>.**

#### **Sources:**

1. Child Welfare Information Gateway.  
[http://www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 6/28/06)
2. [www.state.de.us/kids](http://www.state.de.us/kids)
3. Health and Safety – Abuse of Children: Title 16 Chapter 9 § 901-923
4. Crimes and Criminal Procedure: Title 11 Chapter 5, §1100-1112
5. The Child Sexual Predator Act of 1996
6. Delaware Child Abuse Recognition & Reporting Summit Program and Reference Materials, 2011

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## DELAWARE KEY TERMS FOR MANDATORY REPORTING FOR CHILD ABUSE

### 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. 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

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	Child Sexual Abuse	Alleged Perpetrator	State Code(s)
<b>Delaware</b>	Physical injury through unjustified force; Emotional abuse; Torture; Exploitation; Maltreatment or mistreatment; Sexual abuse  <b>New: All child abuse and neglect in the state of Delaware should be reported to the Child Abuse Report Line.</b>	"Neglect" or "neglected child" means that a person: a. Is responsible for the care, custody, and/or control of the child; and b. Has the ability and financial means to provide for the care of the child; and 1. Fails to provide necessary care with regard to: food, clothing, shelter, education, health, medical or other care necessary for the child's emotional, physical, or mental health, or safety and general well-being; or 2. Chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being, or 3. Fails to provide necessary supervision appropriate for a child when the child is unable to care for that child's own basic needs or safety, after considering such factors as the child's age, mental ability, physical condition, the length of the caretaker's absence, and the context of the child's environment.	"Sexual abuse" means any act against a child that is described as a sex offense by law.  <b>New: Care, custody, or control as defined in the column "Child Neglect" is not needed for sexual abuse to occur.</b>	Any individual who is suspected of having committed civil or criminal child abuse or neglect that is reported to child protective services and/or law enforcement.	10§901 of the <i>Delaware Code</i> . § 761(g) of Title 11.



## MARYLAND Mandatory Reporting of Child Abuse FactSheet

**Code of Maryland Regulations (COMAR)** defines child abuse and child neglect as:

- Physical injury *not necessarily visible* of a child under circumstances that indicate that a 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 a child unattended where the child's health or welfare is harmed or a child is placed in substantial risk of harm.
- An act or acts involving sexual molestation or exploitation whether physical injuries are sustained or not.
- Identifiable and substantial impairment of a child's mental or psychological ability to function.
- Finding credible evidence that has not been satisfactorily refuted that physical abuse, neglect or sexual abuse occurred.

### **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, there is no statute of limitation for reporting or investigating sexual abuse or physical 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?**

You are a mandated reporter if you are one of the following:

- Health Practitioner
- Educator
- Human Service Worker
- Police Officer

This does NOT require PROOF that abuse or neglect has occurred before reporting. Incidents are to be reported as soon as they are suspected. Waiting for proof may involve grave risk to the child and impede services to the family.

If you knowingly fail to report suspected abuse of a child, you may be subject to professional sanctions by licensing boards. Anyone that makes a "good faith" report is immune from civil liability and criminal penalty.

## **Title X Providers and Mandatory Reporting**

In Federal spending bills in 1998/1999 language was added regarding reporting of child abuse, child molestation, sexual abuse, rape or incest. This language was reiterated in 2006 Program Instructions and again included in section 210 of the Fiscal Year 2010 Consolidated Appropriations Act, and reads:

*“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?**

Health practitioners are required to notify the local department of social services about suspected cases of child abuse. Appropriate law enforcement agencies must also be notified. Reporting form **DHR/SSA 180** must be completed in addition to calling. (see links below)

*If the reporter is employed by a hospital, the head of the institution or their designee must also be notified immediately (Section 5-704(a)(2).) and the report must be added to the child's record.*

### **What is the Process for Reporting Child Abuse?**

According to Section 5-704 (b), if you are mandated to report, you must make an oral and written report to the local department of social services (or in abuse cases, to the local law enforcement department and the local States Attorney) **not later than 48 hours** after the contact, examination, treatment or other circumstances that lead you to believe that the child had been subjected to abuse or neglect. If a copy of the report is placed in the patient' medical record, information contained in the report shall only be disclosed in accordance with the Confidentiality Law regarding child abuse and neglect (Article 88A'6(b).) See below for further information.

Oral reports should be made immediately and written reports must be made within 48 hours of contact which disclose the suspected abuse or neglect.

You do not need to have all the 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.

### **Contents of the Report:**

Section 5-704(c) requires that the oral and written reports contain:

- the name, age, and home address of the child;
- the name and home address of the child's parent or party responsible for the child's care;
- the whereabouts of the child;
- the nature and extent of the abuse or neglect of the child
- any evidence or information available to the reporter concerning possible previous instances of abuse or neglect and;

- any information that would help to determine the cause of the suspected abuse or neglect
- the identity of any individual responsible for the abuse or neglect.
- any observable, identifiable and substantial impairment of a child's mental or psychological ability to function.
- as much as the person making the report is able to furnish.

*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.*

### **Confidentiality:**

Information contained in records or reports concerning child abuse or neglect is sensitive and personal. Federal and State law narrowly restricts the circumstances under which information contained in reports or records may be disclosed. It is essential that health care professionals and institutions comply with the Maryland confidentiality law (article 88 a & b) of the Annotated Code of Maryland) when asked to disclose information contained in records concerning child abuse and neglect.

Confidentiality provisions states that:

- The name of the reporter may only be revealed under a court order. However, if the reporter is a professional, he or she may give written permission for his or her identity to be revealed.
- The identity of any other person whose life or safety is likely to be endangered by disclosing the information must not be disclosed. *This is extremely important when sharing information with parents or the person who is suspected of child neglect or abuse.*
- Information should only be disclosed when doing so would be in the best interest of the child who is the subject of the report.
- Professional discretion should be exercised to disclose only that information which is relevant for the care or treatment of the child.

### **Resources:**

1. Child Welfare Information Gateway. <http://www.childwelfare.gov/can/overview>
2. MARYLAND CODE/Family Law/Title 5. Children/Subtitle 7. Child Abuse and Neglect §5-701
3. [www.dhr.state.md.us/cps](http://www.dhr.state.md.us/cps)  
To download reporting form: <http://www.dhr.state.md.us/cps/pdf/form180.pdf>  
To locate the appropriate phone number to call in each jurisdiction by going to CPS website at: [www.dhr.md.us/cps/address.php](http://www.dhr.md.us/cps/address.php)

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## MARYLAND

### KEY TERMS FOR MANDATORY REPORTING FOR CHILD ABUSE

#### 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. 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

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	Child Sexual Abuse	Alleged Perpetrator	State Code(s)
<b>Maryland</b>	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. Sexual abuse of a child, whether physical injuries are sustained or not	Leaving a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstance that indicate that the child's health or welfare is harmed or placed a t substantial risk of harm and or mental injury to the child or a substantial risk of mental injury	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 of 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.	Family Law §5-701 & §5-704



## **PENNSYLVANIA**

### **Mandatory Reporting of Child Abuse FactSheet**

#### **When to Report Child Abuse**

Act 179 was passed in 2006 significantly broadening the scope of mandatory reporting. The changes to this document that are a result of Act 179 are italicized. 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, neglected, or *exploited* by any individual, *not just a person who the law considers a “perpetrator.”* The victim of suspected child abuse must be under the care of the same organization as the mandatory reporter or an affiliated organization or entity to trigger the duty to report. *New state law requires a mandatory reporter to report child abuse committed by a school employee, regardless of the relationship between the mandatory reporter and the school.* 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 *in the course of practicing their profession, occupation or employment.* 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. All reports for child abuse shall include the following information:

- The names and addresses of the child and the parent or person responsible for care of the child
- Where the suspected abuse occurred
- The age and sex of the subjects of the report
- The nature and extent of the suspected child abuse and any evidence of prior abuse to the child or siblings
- The name and relationship of the person or persons responsible for the suspected abuse and any evidence of prior abuse by that person or persons
- The names of family members of the child
- The source of the report (how did you hear about the suspected abuse?)
- The name and contact information for the person making the report

You do not need to have all the above information to make a report, but the more accurate 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](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 6/28/06)
2. Child Protective Services Code: Chapter 3490
3. Child Abuse and the Law, 7<sup>th</sup> Edition. Juvenile Law Center 2007.  
<http://jlc.org.c25.sitepreviewer.com/index.php/publications/11> (last downloaded 8/5/11).

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## PENNSYLVANIA KEY TERMS FOR MANDATORY REPORTING FOR CHILD ABUSE

### Key Definitions

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	Child Sexual Abuse or Exploitation	Alleged Perpetrator	State Code(s)
<b>Pennsylvania</b>	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.	The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct; The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer directing and filming; Any of the following offenses committed against a child: rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, sexual abuse, sexual exploitation.	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.  <b>NEW: the duty to report is triggered even when the suspected abuse is not committed by a perpetrator.</b>	Cons. Stat. Tit.23§6303, 6311, Ann. Code Tit. 5 §2502 and 2533



## **VIRGINIA**

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#### **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:**

1. Child Welfare Information Gateway.  
[http://www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 6/28/06)
2. VIRGINIA CODE §63

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## VIRGINIA MANDATORY REPORTING FOR CHILD ABUSE

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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	State Codes
<b>Virginia</b>	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. <i>New: Child abuse also occurs when a child is present during the manufacture or sale of schedule I or II controlled substances.</i>	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.	§63.2-100 §63.2-1509 §26.44.030 §26.44.020

### Sources:

1. Child Welfare Information Gateway. [http://www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 9/2011)



## **WEST VIRGINIA**

### **Mandatory Reporting of Child Abuse FactSheet**

#### **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 *any individual*. 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 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](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 6/28/06)
2. Child Protective Services Code: 49

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



## WEST VIRGINIA MANDATORY REPORTING FOR CHILD ABUSE

### 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. 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

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	Codes
<b>West Virginia</b>	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. Additional instances of abuse: the sale or attempted sale of a child, a child whose welfare is harmed or threatened by domestic violence and physical injury as a result of excessive corporal punishment.	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><b>Sexual exploitation</b> 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	§49-1-3 §49-6A-2

### Sources:

1. Child Welfare Information Gateway. [http://www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm) (last viewed, 9/2011)