




Mandatory Reporting: Child Abuse and Neglect in Indian Country



**Mandatory reporting
requires that anyone with
knowledge that a
minor/child is being harmed
or may be harmed must
inform the legal authorities.**



Mandatory reporting is a request for an investigation of child maltreatment.





Who Must Report?

- P.L. 101-630 states that any person who...
 - ▶ Is a physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency technician, paramedic, or health care provider;
 - ▶ Is a teacher, school counselor, instructional aide, teacher's assistant, or bus driver employed by any tribal, federal, public or private school;





Who Must Report?

- ▶ Is an administrative officer, supervisor of child welfare and attendance, or truancy officer of any tribal, federal, public or private school;
 - ▶ Is a day care worker, headstart teacher, public assistance worker, worker in a group home or residential treatment or day care facility, or social worker;
 - ▶ Is a psychiatrist, psychologist, or psychological assistant;
 - ▶ Is a licensed or unlicensed marriage, family or child counselor;
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Who Must Report?

- ▶ Is a person employed in the mental health profession;
 - ▶ Is a law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders; and,
 - ▶ Knows or has reasonable suspicion that
 - A child was abused in Indian Country
 - Actions are being taken, or are going to be taken that would reasonably be expected to result in abuse of a child in Indian Country.
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Failure to Report

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- Any such person who fails to ***immediately report*** such abuse or actions to the local child protective services agency or local law enforcement agency, shall be fined not more than \$5,000 or imprisoned for not more than 6 months or both





Civil and Criminal Liability

- Any person making a child abuse report (request for an investigation) which is **based upon their reasonable belief** and which is **made in good faith** shall be immune from civil or criminal liability for making that report





Public Law 101-647

- Mandated reporting for:
 - A person who, while engaged in a professional capacity or activity described in subsection (b) on federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated under subsection (d).
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Public Law 101-647

- Mandated reporters:
 - Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.
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Public Law 101-647

- Mandated reporters:
 - Psychologists, psychiatrists, and mental health professionals.
 - Social workers, licensed or unlicensed marriage, family and individual counselors.
 - Teachers, teacher's aides or assistants, school counselors, and guidance personnel, school officials, and school administrators.
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Public Law 101-647

- Mandated reporters:
 - ▶ Child care workers and administrators.
 - ▶ Law enforcement and juvenile rehabilitation or detention facility employees.
 - ▶ Foster parents.
 - ▶ Commercial film and photo processors.





Public Law 101-647

- Agency designated to receive report:
 - The Attorney General shall designate an agency to receive and investigate reports.
 - By formal written agreement, the designated agency may be a non-federal agency.
 - When reports are received, there shall be an immediate referral of the report to a law enforcement agency with authority to take emergency action to protect the child.
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Public Law 101-647

- Agency designated to receive report:
 - All reports received shall be promptly investigated, and whenever appropriate, shall be conducted jointly by social services, law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.
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Public Law 101-647

- Reporting Form:
 - In every federally operated (or contracted) facility, and on all federal lands, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but shall not take the place of telephone or oral reports.
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Public Law 101-647

- Immunity for Good Faith reporting:
 - All persons who, acting in good faith, make a report or provide assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions.
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Public Law 101-647

- Failure to report:
 - A person who, while engaged in a professional capacity or activity on federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, and fails to make a timely report, shall be guilty of a Class B misdemeanor.
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Public Law 101-647

- Training of prospective reporters:
 - All individuals in the occupations listed who work on federal lands, or are employed in federally operated (or contracted) facilities, shall receive periodic training in the obligation to report as well as in the identification of abused and neglected children.