



rape and abuse crisis center

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Abuse Reporting Requirements

Professional Responsibility: Dealing with Disclosures of Abuse

Should disclosures of abuse occur, certain individuals are mandated under MN and ND Law to report the disclosure(s). A report should be made directly to Law Enforcement and Social Services. Should disclosure of abuse occur, the person to whom the disclosure was made is responsible to report under mandated reporting requirements.

Children

Minnesota Reporting of Maltreatment of Minors

(Reporting of Maltreatment of Minors Minnesota Statutes, section 626.556)

"A person who knows or has reason to believe a child is being neglected or physically or sexually abused as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, **shall** immediately report the information to the local welfare agency, police department, or the county sheriff if the person is: (1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, childcare, education, or law enforcement; or (2) employed as a member of the clergy and received the information while engaged in ministerial duties provided that the information is not otherwise privileged under section 595.02, subdivision 1, paragraph (c)."

North Dakota Child Abuse & Neglect

(Persons required and permitted to report ND Chapter 50-25.1-03)

"Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical or mental health professional, religious practitioner of the healing arts, schoolteacher or administrator, school counselor, addiction counselor, social worker, child care worker, foster parent, police or law enforcement officer, juvenile court personnel, probation officer, division of juvenile services employee, or member of the clergy having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser.

Any person having reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, may report such circumstances to the department."

Adults

Minnesota Adult Protective Service

(Mandated Reporting MN Statute 626.557 subdivision 16)

"Mandated reporter means a professional or professional's delegate while engaged in: (1) social services; (2) Law Enforcement; (3) education; (4) the care of vulnerable adults; (5) any of the occupations referred to in section 214.01 subd.2; (6) an employee of a rehabilitation facility certified by the commissioner of jobs and trainings for vocational rehabilitation; (7) an employee or person providing services in a facility as defined in subd. 6; or (8) a person that performs the duties of the medical examiner or coroner."

North Dakota Adult Protective Services

(Voluntary reporting of abuse or neglect ND Chapter 50-25.2-03)

"A person who has reasonable cause to believe that a vulnerable adult has been subjected to abuse or neglect, or who observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect, may report the information to the department or the

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01/09

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department's designee or to an appropriate law enforcement agency. A law enforcement agency receiving a report under this section shall immediately notify the department or the department's designee of the report."

Who Must Report Doctors, dentists, educators, daycare and group home staff, foster parents, pharmacists, nurses, employee assistance counselors, clergy, psychiatrists, psychologists, police, and social workers are among the people who **MUST** step in to help children. Failure to report may constitute a misdemeanor charge.

What You Must Report You must report neglect, physical abuse, sexual abuse, emotional abuse, and exposure to domestic violence which has affected children or is currently endangering them; including incidents dating back as far as three years.

Who to Call To report any case of abuse or neglect, you may call Child Protection at the County Social Service Office or local Law Enforcement. Any child who is abandoned or subject to real or imminent threats may be removed from the threatening environment by a peace officer.

What Child Protection Needs to Know The following is essential information needed in a Child Protection Report

- The child's identity
- Any person believed to be responsible for the abuse or neglect of the child (if the person is known)
- The nature and extent of the abuse or neglect
- The name and address of the reporter
- The name and address of the victim and perpetrator
- The location of the child and their current level of risk

What Happens After You Call in a Report? If you are a mandated reporter, you must follow your oral report with a written report within 72 hours (excluding weekends and holidays). Social Services and Law Enforcement are mandated to report to each other upon the receipt of a child maltreatment report.

Confidentiality of Reporter's Identity The name of the reporter shall be confidential. Any person conducting the investigation/assessment who intentionally discloses the name of the reporter is guilty of a misdemeanor. To compel the disclosure of a reporter requires a court order.

What Can Child Protection Tell You About the Case? You may be privy to the following information:

- the agency's determination as to whether maltreatment occurred
- the name of the child protection worker conducting the assessment
- the nature of the maltreatment, if it was determined to have occurred
- a description of the services being provided to the child

*Social services may deny the request of the reporting party if it is determined that disclosure of the information is detrimental to the child's best interest.