



# Mandated Reporting

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# Who is a mandatory reporter?

## MANDATORY REPORTER

- A long list of professionals who regularly interact with children
- Anyone with the responsibility for the care of children



# What triggers a report?

## MANDATORY REPORTER

Reasonable Cause to SUSPECT:

- That a child has been OR may be subjected to abuse or neglect

Or

- Observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect



# What is abuse?

## MISSOURI STATUTE SECTION 210.110(1):

“**ABUSE**” – “any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody and control,” EXCEPT:

- “Discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse.”
- Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10). Senate Bill 160 signed by Governor Greitens in 2017.
- Abuse is not limited to abuse inflicted by a person responsible for the child’s care, custody and control



# What is neglect?

## MISSOURI STATUTE SECTION 210.110(9):

“**NEGLECT**” – “failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child’s well being.”

- Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 80 22 U.S.C. 78 Section 7102(9)-(10).
- Senate Bill 160 signed by Governor Greitens in 2017.



# What is Care, Custody and Control?

- Those **responsible for the care, custody and control** of the child includes, but is **not limited to**:
  - The **parents or legal guardians** of a child
  - Other members of the **child's household**
  - Those exercising **supervision** over a child for **any part of a 24 hour day**
  - Any person who has **access to the child** based on relationship to the parents of the child or members of the child's household or the family or
  - Any person who takes control of the child by **deception, force or coercion** (*this was new in 2017*)



# When do I hotline?

## HOTLINE

- If I have a suspicion of abuse or neglect, when must I make a hotline?

**“IMMEDIATELY”**

24 HOUR HOTLINE NUMBER in Missouri

(800) 392-3738



# Reporting Requirements

## HOTLINE

- Reporting requirements are “**individual**”
- No supervisor or administrator may impede or inhibit any reporting under this section
- Every employer shall ensure that any employee required to report has **immediate and unrestricted access** to communications technology necessary to make an immediate report
- Employee is temporarily **relieved of other work duties** for time required to make report





# What if I am not required to report?

## HOTLINE

- Err on the side of caution, and on the side of the child
- Statute says: In addition to those persons and officials required to report actual or suspected abuse or neglect, **any other person may report...**
- If such person has **reasonable cause to suspect** abuse or neglect.



# Immunity For Mandated Reporters

## IMMUNITY §210.155

- “In the making of a report” mandated reporters “shall have immunity from any liability, civil or criminal”
- Immunity is lost only in cases of **intentional false reports, bad faith or ill intent**
- Criminal liability for a false report only occurs when the false report is made **intentionally** (*Missouri Statute Section 210.165*)



# Immunity for Mandated Reporters

## IMMUNITY

“No person making a report under this section shall be subject to any sanction, including adverse employment action, for making such report.”



# Failure to report by a mandated reporter

- Missouri Statute Section 210.165
- Violation of the Mandatory Reporting Statute is a Class A Misdemeanor:
  - Up to one (1) year in the County Jail; and
  - Up to a \$1,000.00 fine.



# Can I/we just call the police?

- “A mandated reporter **MAY** also report to law enforcement or juvenile office; such report **SHALL NOT**, however, **take the place of reporting to the hotline.**”
- It is important to have a **single source** for all reports.



## **If Children's Division is already involved with the family, should I still make a report?**

- Yes.
- The CD worker may not know what you know.
- Your suspicion may involve a different type of abuse or neglect.
- Reporting to the hotline is the only way to guarantee that your report was taken.



# Do I need to report information received from a third party?

- Yes, you are not required to hear it or see it for yourself to report suspicions.
- It is not child friendly to require the child to tell you directly before you report suspicions.
- It can also harm the investigation that follows if the child recants, refuses to confirm or says something different.



# What about privileges and confidentiality?

## MISSOURI STATUTE SECTION 210.140:

- “Any legally recognized privileged communication, except that between attorney and client, or involving communications made to a minister or clergyperson, SHALL NOT apply to situations involving known or suspected child abuse or neglect AND SHALL NOT constitute grounds for failure to report.”





Will they disclose who called the hotline?

## **NO, BUT....**

- The statute prohibits the Children's Division worker from disclosing the source of the report.
- However, there are times when that information will inevitably be discovered:
  - If a mistake is made by the police, CD, or juvenile officer,
  - If it is obvious from the circumstances of the report who could have known the information,
  - If you are misled/tricked into disclosing that you made the report.



# Changes to school based investigations

## §160.261

- If a student reports alleged sexual misconduct involving a teacher or other school employee to a school employee who is required to report such misconduct to CD under section 210.115, such person and the superintendent of the school district **shall report the allegation to CD.**
- Reports made to CD under this subsection shall be **investigated by CD** and **shall not be investigated by the school district** for purposes of determining **whether the allegations should or should not be substantiated.**
- The district may investigate the allegations for the purpose of making any decision regarding the **employment of the accused employee.**



# What should we tell the hotline call taker?

## HOTLINE

- Your **name** (they will ask)
- **Identifying information** about the child and family, if known
- Information about the **suspicion** of abuse or neglect
- Provide as much **detail** as you can
- But **don't guess** (about what happened or who is responsible)
- Any **actions taken** by the reporting party (photos, x-rays, questioning)



# What should we tell hotline call taker, continued

## HOTLINE

- Provide information about **family composition**, if known
- You may ask the call taker how the call is going to be “**tracked**”
- Ask the operator for his or her **operator number** and you can now request a report number also.
- **Keep notes** of the date and time you called and what information you provided



# What if several MRs have reasonable suspicion to make a report?

- The law changed to create an “**individual**” responsibility for all mandatory reporters to report
- There may be situations that arise when more than one MR has a suspicion of abuse or neglect involving the same situation
- In these instances, **each person** must make a report
- You may:
  - Call together or call separately
  - But you may NOT choose one person to place the call for everyone

Note: This is creating tremendous call volume but the call center is working to manage the volume.



# Handling an allegation against a colleague

- **Who** may be responsible for the suspected abuse or neglect should not impact your decision to hotline.
- Do not confront your colleague, or dismiss the allegations because they were made against someone you know.
- You have the **same obligation**, whether you know the person who may be responsible, or you do not.



# Changes August 28, 2015

## SECTION 160.975:

- All public and charter schools **must post** in a clearly visible location in a public area of the school
  - A **sign** in English and Spanish containing the toll-free child abuse and neglect hotline number
- Such notice must also be posted in **ALL student restrooms**
- CD was required to develop an acronym to help children remember the number (CALL 1-844-CAN-TELL)



# Content of Posters

- Photo of a boy or girl child of elementary school, middle school or high school age
- **IF SOMEONE HAS HURT YOU, IT'S OKAY TO TELL. NO ONE HAS THE RIGHT TO HURT YOU. WE CAN HELP.**
- **CALL 1-844-CAN-TELL** Child Abuse and Neglect Hotline
- Or tell a teacher, counselor, principal or school nurse.
- **Call 911** if you need help now
- For more information about reporting child abuse, neglect or exploitation visit: [dss.mo.gov/cd/can.htm](https://dss.mo.gov/cd/can.htm)





# Additional law changes

## SECTION 210.148:

- When CD receives a report concerning a juvenile with **problem sexual behavior**, CD shall immediately communicate the report to the appropriate local office, which will use a **family assessment** and services approach to respond.
- For purposes of the family assessment performed under this statute, the alleged abuse **does not have to be committed by someone with care, custody or control** of the child.



# Online Reporting

## ONLINE REPORTING

- There is now an option to report non-emergency child abuse and neglect online
- Go to: <http://dss.mo.gov/cd/can.htm>
- Click on **ONLINE MANDATED REPORTING**
- Create an account
- Fill in report with the information
- Submit your report
- The report is immediately uploaded to a secure server
- You will get an email with an assigned call number stating whether report was taken



# Online Reporting Restrictions

## ONLINE REPORTING

- Online reporting is for **Mandatory Reporters only**
- Online reports **cannot be made** for:
  - Sexual abuse with immediate access to the child
  - Meth lab exposure
  - A suicidal child
- An emergency or life-threatening situation must be reported to **1-800-392-3738**



# Tips for Online Reporting

## ONLINE REPORTING

- Try it more than once because it takes a while to get used to the online system
- The prompts mirror the system CD workers use to enter information
- Feedback includes praise for not having to wait on hold and ability to input the report anywhere (at desk in classroom, at home, etc...)
- Some computer settings/security settings may effect use of the online system (**Chrome** does not work, **Internet Explorer** is most compatible)
- Copying and pasting info from another system may cause an error message



# Tips for Online Reporting

## ONLINE REPORTING

- Provide as much detailed information as possible so that the report will be classified correctly.
- If you have problems with the system, contact CD's IT Department at:
  - 1-800-392-8725



# Tips for Online Reporting

## ONLINE REPORTING

- The call takers can provide you with the “**call number**” so that you can keep it in your records. Feel free to ask for this number.
- As online reports are **non-emergency**, it may take a few hours for your report to be classified.
- You do not need to follow up with a hotline call UNLESS:
  - it has been **over 12 hours** since your online report and
  - you have not received an **email confirming** your report, or
  - you have **new information** that the child is in immediate danger.



# HOTLINE CALL

## HOTLINE

- 1-800-392-3738 now works for all callers, not just within Missouri.
- 573-751-3448 stills works but is not necessary to use this.



# Don't be taken by surprise

