

Protection and Advocacy

5 Reporting Abuse and Other Legal Requirements for Mandated Reporters



Introduction

These slides contain content adapted from the Administration for Community Living's Person Centered Counseling Training Program. The content includes text and narration from online courses. To view original content or for more information, please visit nwd.acl.gov or contact NoWrongDoor@acl.hhs.gov.

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Welcome! (1/2)

This lesson will give Person-Centered Counseling (PCC) professionals an overview of what mandated reporting is, who mandated reporters are, and what events are reportable. It will describe how to document and report abuse or suspected maltreatment that someone working in the No Wrong Door (NWD) system may encounter, as well as when and where to report it. Lastly, this lesson will provide information on resources and agencies that can help.

Welcome! (2/2)

Learning Objective

After completing this lesson: You will be able to describe what mandated reporting is, who mandated reporters are, what kinds of events are reportable, as well as how, when, and where to document and report suspected maltreatment. You will also be able to identify and describe at least three local resources and agencies available to help.

— What Is Mandated Reporting? (1/3)

Mandated reporting is a legal requirement to report a situation that could be a sign of maltreatment of a child, adult, or older adult. Since there are no national standards regarding mandated reporting, it's important for every Person-Centered Counseling (PCC) professional to be aware of the mandatory reporting requirements in their own state. State laws define who is expected to report suspected maltreatment. Also, keep in mind that many agencies have additional internal policies and procedures for reporting.

— What Is Mandated Reporting? (2/3)

Since the mandatory reporting requirements vary among states, the circumstances under which a person should report also vary among states. In most cases, a report must be made if a person suspects abuse or neglect, has reason to believe it has happened, or if the person has direct knowledge of or a first-hand observation of the abuse. In many states, failure to report abuse or neglect is actually against the law and could have legal consequences.

What Is Mandated Reporting? (3/3)

Again, it's important to keep in mind that laws vary across states and even across some counties. Because of this, it's important that you're aware of your own state's regulations and requirements and any additional agency policies and procedures regarding mandated reporting.

For one example of a state's requirements for mandated reporters of abuse of children, people with disabilities, residents of long-term care facilities, and older adults, go to the Connecticut Department of Public Health:

<http://www.ct.gov/dph/cwp/view.asp?a=3121&q=389520>

To find out what professionals are required to report in each state for abuse of older adults and vulnerable populations: <http://www.napsa-now.org/wp-content/uploads/2012/04/MandatoryReporting-Chart.pdf>

Who are Mandated Reporters? (1/3)

Mandated reporters are those people who are legally required to report any maltreatment they see or suspect to the appropriate authorities or protective service agency such as Child Protective Services or Adult Protective Services. As mentioned previously, state laws vary on who is a mandated reporter, so Person-Centered Counseling (PCC) professionals may or may not be mandated reporters. This will also depend on the agency a PCC professional works for as some agencies have additional policies and procedures around mandated reporting. Because of this, it's crucial that PCC professionals are aware of who the mandated reporters are in their own state and agency, and what the reporting requirements are.

Who are Mandated Reporters? (2/3)

Most states protect the identity of the reporter, although in some states the identity of the mandated reporter is required in the report or disclosed under certain circumstances. If you want to know more about mandated reporter protections, you will have to check with your state statutes. In most states, mandated reporters are protected from legal repercussions if the report was made in 'good faith.' This means that they can make a report with the belief that maltreatment or abuse took place, even if it didn't. On the other hand, a mandated reporter who falsifies a report to an individual or agency could face serious consequences. They could be fired or sued. They could also face other legal consequences.

Who are Mandated Reporters? (3/3)

You can contact your state's Department of Human Services, Department of Health Services, Department of Social Services, Department of Public Health, Department of Developmental Services, or local police department for a list of mandated reporters in your state and county.

Reportable Events

Sometimes direct and obvious acts of maltreatment can be unclear or difficult to recognize. Be alert when explanations do not match what you observe with the person who is seeking services. A report may be required. Reporting is necessary if someone, such as a caregiver, a family member, or a homecare provider, is seen engaging in potential maltreatment. For mandatory reporters, most states require a report to be filed if there is reason to believe that abuse has occurred. In some state, certain events must be reported to outside agencies, even if they are not maltreatment events. Again, keep in mind that reporting requirements will vary among each state, so make sure that you are familiar with the reportable events in your state or within your agency.

Need for Documentation and Tracking (1/3)

As a Person-Centered Counseling (PCC) professional who works in the No Wrong Door (NWD) system, there may be times where you might suspect maltreatment, even if you haven't seen it firsthand. Many times the signs of maltreatment are subtle and not always observed directly. For mandatory reporters, most states require a report to be filed if there is reason to believe that abuse has occurred. This means that they can make a report with the belief that maltreatment or abuse took place, even if it didn't.

Need for Documentation and Tracking (2/3)

Documentation can help build a trail of evidence. Many documentation and reporting procedures can help prevent future maltreatment. Keep in mind that every state will have different standards for making a report of abuse, and they may differ between reports submitted for a child versus an adult. Because of this, it's important that you're familiar with your agency's protocols and procedures around reporting, as well as those in your State.

Need for Documentation and Tracking (3/3)

In your role as a PCC professional, it's a good idea to keep track of complaints you hear from anyone seeking services in the NWD system, as some of these might be signs of abuse (some of which you learned about in Lessons 3 and 4 of this course). Note details about what you have heard or been told and keep track of any changes that may occur after your initial documentation.

When and Where to Report Suspected Maltreatment (1/3)

As mentioned previously, reports of suspected maltreatment can be made even if it hasn't been witnessed firsthand. Often, organizations will have internal policies and procedures on reporting abuse. They may designate someone within the organization to review potential abuse, neglect and exploitation. In many cases, maltreatment must be reported to different agencies in the state. This can depend on the age of the person, whether the person lives in an institution or in the community, and other factors. You will learn about some of the agencies to report to on the next screen.

When and Where to Report Suspected Maltreatment (2/3)

When and where to report may also depend on the type of maltreatment. Sometimes several agencies may need to be involved. An example would be the sexual assault of an adult in a long-term care residence by a paid home health aide. It may involve the police and paramedics. It may also involve a report to an adult protection agency or to a long-term care ombudsman office. Each of these agencies will have specific responsibilities after receiving a report of maltreatment.

When and Where to Report Suspected Maltreatment (3/3)

It's important to understand all your obligations to report, both within your agency and state. You need to know where, when, and to whom you should report. Consult with your supervisor on your organization's policies and procedures regarding mandated reporting. And become familiar with your specific state requirements on mandatory reporting.

Protective Services and Other Agencies

A number of agencies and people may need to investigate and resolve reports of maltreatment. The most common are listed in the tabs below. Other service organizations, schools, and medical personnel may also be involved.

— Agencies Outside and Inside the NWD System

Reporting maltreatment can require communication with different agencies. Working in the No Wrong Door (NWD) system, there are many agencies you may interact with when you have to report suspected maltreatment. And as you have learned, sometimes you may have to report to more than one agency. This depends on the type of maltreatment that has occurred, where it occurred, and to whom it occurred.

Reporting Maltreatment

Imagine you are working with an older adult male with a mental illness. In your conversations with that person you suspect financial abuse by his son, who is managing the person's financial matters.

Conclusion and Lesson Review (1/2)

- Mandated reporting is reporting any act that is suspected to be potential maltreatment.
- There are no national standards for mandatory reporting, so it's important for every Person-Centered Counseling (PCC) professional to know the mandatory reporting requirements in their state, as well as those individuals or occupations that are mandatory reporters in the state.
- It's also important to check with your agency about any additional rules, policies, or procedures for mandatory reporting.

Conclusion and Lesson Review (2/2)

Learning Objective

After completing this lesson: You will be able to describe what mandated reporting is, who mandated reporters are, what kinds of events are reportable, as well as how, when, and where to document and report suspected maltreatment. You will also be able to identify and describe at least three local resources and agencies available to help.

Reflection on Learning Objective

Directions: Review the objective(s) on this page. Write down your answers to the following questions.

1. What did you learn in this lesson that you felt was important?
2. What will you do differently because of the content in this lesson?