

MANDATED REPORTING



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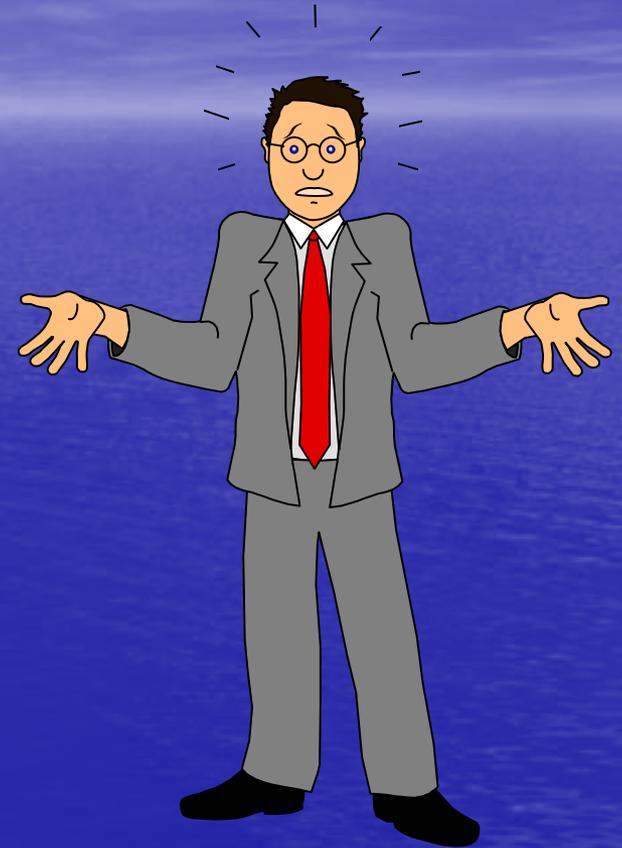
Reports mandated by North Dakota Law



- Wounds, injury, or other physical trauma
- **Child abuse and neglect**
- Abuse, neglect, or exploitation of d.d. or mentally ill person
- Abuse or neglect of vulnerable adult*
- Reportable diseases

“I’ll Never Tell”

↑ Are you mandated to report?



MANDATED REPORTERS

- Physicians, Nurses, M.E or coroner, other med. professional
- dentists & optometrists
- mental health professionals
- religious practitioner of the healing arts
- schoolteachers/administrators, school counselor
- addiction counselor
- social worker
- day care/child care worker
- Foster parent
- police/law enforcement officer
- clergy*

- Juvenile court personnel
- Probation officer
- DJS employee



MUST REPORT:



- ↖ Knowledge of or reasonable cause to suspect...
- ↖ A child is abused or neglected or has died
- ↖ “Child” means those under eighteen

“Reasonable cause to suspect”



- Only a suspicion
- Let the investigators check into it
- Example: Ellendale case

A child is abused or neglected when...



- Abuse as defined by 14-09-22(1)(a)
- Neglect = deprived child in juvenile code
- Sexual abuse includes “consensual” conduct if child is more than 3 years younger than partner

Abuse defined...



- Abuse as defined by 14-09-22(1)(a): inflicts, or allows to be inflicted, bodily injury, substantial bodily injury, or serious bodily injury, or mental injury
- Bodily injury includes infliction of pain
- Parents have a right to corporal punishment

Neglect defined...



- Without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals
- Place for care in violation of law or abandoned*
- In need of treatment and parents have refused
- Was subject to prenatal exposure to chronic or severe use of alcohol or any controlled substance
- Is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia

Sexual abuse defined...



- G.S.I. & Sexual Imposition
- Continuous Sexual Abuse
- Corruption/Solicitation of a Minor
- Luring Minors by Computer
- Sexual Abuse of Wards
- Sexual Exploitation by Therapist
- Sexual Assault
- Incest & Deviate sexual act
- Indecent Exposure
- Surreptitious Intrusion
- Child Pornography

Is telling your supervisor enough?



- North Dakota law places the obligation on each medical professional
- To report to DHS/designee
- If your policy is to let the supervisor make the report, you better confirm it
- Failure to make a report is a criminal offense

Horror stories



- Clergy who wants to counsel child until she is ready to report
- School districts
 - Pudwill
 - Storey
 - New case

ABROGATION OF PRIVILEGE



- ↖ Husband and wife privilege...
- ↖ Privilege between professional person and patient or client (except attorney/client)...
- ↖ Do not constitute grounds for preventing a report to be made or for excluding evidence in any proceeding
- ↖ **Any person who makes a good faith report is immune from any criminal or civil liability**

CONFIDENTIALITY



- ↖ All reports, and other information obtained, are confidential.
- ↖ BUT they must be made available to;
 - ↖ Physician treating a child
 - ↖ person authorized to place a child in protective custody
 - ↖ DHS, SS, state & local child protection teams
 - ↖ person who is the subject of the report***
 - ↖ Public officials and their agents who require the info in connection with official duties

CONFIDENTIALITY (cont...)



- ↖ All reports, and other information obtained, are confidential.
- ↖ BUT they must be made available to;
 - ↖ A court when necessary for an issue before the court
 - ↖ bona fide research purpose
 - ↖ The abuse and neglect reporter, when it is likely that the child will continue to come before the reporter
 - ↖ Parents or legally appointed guardian of the child ***