Mandatory Reporting

Mississippi State Department of Health
Comprehensive Reproductive Health Bureau
Revised November 2015
Are you mandated to report?
Four components of the reporting law

- Who is a mandatory reporter?
- What acts must be reported as abuse/neglect?
- When is the reporting duty triggered?
- How to report?
Who is a mandatory reporter?

- **Miss. Code Ann. § 97-5-51 (b):** "Mandatory reporter" means any of the following individuals performing their occupational duties: health care practitioner, clergy member, teaching or child care provider, law enforcement officer, or commercial image processor.

- **Miss. Code Ann. § 43-21-353 (1):** Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child or an abused child...
Mandated Reporters

- Physicians
- Dentists
- Interns
- Residents
- Nurses
- Public School Employees
- Private School Employees
- Child Care Givers
- Psychologists
- Social Workers
- Family Protection Workers
- Family Protections Specialists
- Attorneys
- Ministers
- Law Enforcement
- Any person with reasonable suspicion

Miss. Code Ann. § 43-47-7(1)(a):
Mandatory Reporting

- Victim under 18
- Oral report followed by written report
- Immunity from civil or criminal liability
- Failure to report is a crime!
- Usual confidentiality standards

DO NOT prevent reporting!
These are the elements of the mandatory reporting law of Mississippi:

- There is no age limit if the victim is a vulnerable person.
- You can be punished if you fail to report abuse!
- It is not a HIPAA violation to report abuse.
- You can’t be sued by the perpetrator for reporting suspected abuse.
- It is important for you to understand that whoever witnesses the abuse or has suspicion see that the report is made and should make the report.
- Another person cannot block or refuse your report.
- If professionals disagree, you are still required to report if in your professional judgment, there is reasonable suspicion of abuse. If several team members are making the report, you should get a copy of the confirmation, and report #.
Miss. Code Ann. § 43-21-105(d):
"Child" and "youth" are synonymous, and each means a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a "child" or "youth“...

Miss. Code Ann. § 43-21-105(m):
“Abused child” means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon said child sexual abuse, sexual exploitation, emotional abuse, mental injury, non-accidental physical injury or other maltreatment.
Categories of Maltreatment:

- **Commission** (*to act*)
- **Omission** (*to not act*)
Acts of Commission

Three broad categories of abuse:

- Emotional/Verbal
- Physical
- Sexual
Acts of Omission

Failure To Provide For The Child’s Basic Needs:

- Food
- Shelter
- Clothing and good hygiene
- Supervision
- Inattention to child
- Abandonment
- Medical care
- Mental health
- Education
- Use of drugs by caregiver that impairs their ability to care for child
- Permitting child to use drugs or alcohol
- Prenatal exposure to illegal drugs or substance
- Manufacturing of meth in the presence of child
- Selling, distributing, or giving illegal drugs/alcohol to a child
What acts must be reported?

Child Abuse
• Physical Abuse
• Emotional/Verbal Abuse
• Sexual Abuse/Exploitation
• Neglect

Vulnerable Person
• Physical Abuse
• Emotional/Verbal Abuse
• Sexual Abuse/Exploitation
• Neglect
Emotional/Verbal Abuse is anything said or done that is hurtful or threatening to a child and is the most difficult form of maltreatment to identify:

- Name calling; "You're stupid."
- Belittling; "I wish you were never born."
- Destroying child's possessions or pets.
- Threatens to harm child or people they care about; "I'm going to choke you," or "I'll break your arm."
- Locking a child in a closet or box.
- Rejecting a child.
- Isolating a child.
Physical Abuse is any type of contact that results in bodily harm such as bruising, abrasions, broken bones, internal injuries, burning, missing teeth and skeletal injuries:

- Hitting or slapping a child with an extension cord, hands, belts, fists, broom handles, brushes, etc.
- Putting child into hot water.
- Cutting the child with a knife or any other sharp object.
- Shaking or twisting arms or legs, yanking a child by the arm.
- Putting tape over a child's mouth.
- Tying a child up with rope or cord.
- Throwing a child across a room or down the stairs.
Sexual Abuse is inappropriate touching by a friend, family member, anyone having on-going contact and/or a stranger such as:

- Touching a child’s genital area.
- Any type of penetration of a child.
- Allowing a child to view or participate in pornography.
- Prostitution, selling your child for money, drugs, etc.
- Forcing a child to perform oral sex acts.
- Masturbating in front of a child.
- Having sex in front of a child.
- Touching a Child's genital area.
Is statutory rape reportable as child abuse in my state?

“Well, I'm a consenting adult and Charley here is a consenting adult - that makes two out of three.”
Voluntary actions are those taken willingly.

Ability to consent is determined by law.

Statutory rape is voluntary, but non-consensual under the law for persons in certain age brackets.
Mississippi Age of Consent and Statutory Rape Laws

Age Of Consent: 16

Age Differential Between Victim And Defendant:
- 2 (if victim is < 14)
- 3 (if victim is < 16)

Statutory Rape/Sexual Battery Law:
Miss Code Ann § 97-3-95

Statutory Rape Summary: Sexual battery to sexually penetrate a child (1) at least age 14 but under age 16 if the actor is at least 36 months older than the child or (2) under age 14 if the actor is at least 24 months older than the child.

Source: Miss. Code Ann. § 97-3-95
A person is guilty of sexual battery if he or she engages in sexual penetration with a child under the age of eighteen (18) years if the person is in a position of trust or authority over the child ... 

Source: Miss. Code Ann. § 97-3-95
“Reasonable Cause To Suspect”

- Only a suspicion
- Let the investigators check into it
Can anything happen to me if I do not report child abuse and neglect?

There is a penalty for not reporting.

Miss. Code Ann. § 43-21-353
Duty to inform state agencies and officials; duty to inform individual about whom report has been made of specific allegations.

(7) Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars ($5,000.00), or by imprisonment in jail not to exceed one (1) year, or both.
Title X Clinics - Who’s there?

- Adolescent victims
- Adult survivors
- Adult perpetrators
- Adult co-victims
- Adult non-offending parent
Concerns Given About Reporting

- I don’t want to interfere in someone else’s family
- What if I break up someone’s home
- They will know I reported it
- It will not make a difference if I report it
- Don’t know what to do, what is my responsibility
- I believe someone else will handle it
- I do not have proof- I need to observe the family to get significant evidence
- What if I am wrong- mess up relationship with the family
- What is going to happen
- Is this normal
- There is more damage done when children are removed- better to work with families in their environment
- Am I over reacting
- I don’t know what will happen once I report

How do you find out?

- Introduce the topic
- Ask directly during interview
- Observe body language
- Ask before touching
• Are you being hurt/threatened?
• Is someone in your household being hurt/threatened?
• Are you being forced to hurt or abuse someone?
• What could you do if you felt unsafe?
Screen for age of partner

- Age of partner / position of influence
- Discuss reasons for older partners
- Discuss your concerns about that
- Report if neglect / abuse / exploitation suspected
Disclosure of Child Abuse

- Post notices that you are required by law to report all known or suspected child abuse.

- Tell patient what you can hold in confidence and what you must report.

- REPORT
How to Report

Call local law enforcement agency or 911 if the situation is a life threatening emergency.

Call Centralized Intake at 1-800-222-8000 (Nationwide) or (601) 432-4570 if:

• The situation you are reporting is an emergency;
• You prefer to remain anonymous;
• You have insufficient data to complete the required fields using the online reporting system; or
• The suspected abuse/neglect you are reporting occurred outside the state of Mississippi, and you do not know how to contact the state where it occurred.
Division of Family & Children's Services
Mississippi Centralized Intake
Child Abuse, Neglect and Exploitation Hotline
1-800-222-8000 | (601) 432-4570

Non-emergency reports of child abuse, neglect and exploitation in Mississippi can be made online:
www.msabusehotline.com
(https://www.msabusehotline.mdhs.ms.gov)
What must be included in the report?

The report shall identify, to the extent known to the reporter, the following:

- The name and address of the child;
- The names and addresses of the caretaker(s);
- The names and addresses of the suspected perpetrator(s);
- The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;
- A brief statement of the facts indicating that the child has been abused;
- Any other pertinent information known to the reporter.
Tips for Online Reporting

- www.msabusehotline.com
- System times out in 30 minutes!
- You can’t save your work
- You can’t print out what you enter
- BEFORE starting, write out “what happened” and cut/paste
- ALLOW cookies and pop-ups
- Enable JAVASCRIPT
Other Online Reporting Tips...

- Enter your email to get report
- Write down confirmation #
- Write down report #
- Email won’t contain case info
- Be sure to review the info required to make a report...BEFORE reporting
Paperwork to fill out for the Report:

MSDH:
- Information regarding the abuse/neglect is to be documented in the client’s chart;
- A copy of the final sheet with the “Identification Code” from the computerized DHS report is to be put in the client’s chart;
- and MSDH form #205 must be completed and a copy placed in the client’s chart.

Sub-Recipient Agencies:
- Comply with agency policies and procedures in regards to maintaining documentation of abuse reports.
Resources

- MISSISSIPPI CODE of 1972
  TITLE 97. CRIMES
  CHAPTER 5. OFFENSES AFFECTING CHILDREN
  Miss. Code Ann. § 97-5-51

- MISSISSIPPI CODE of 1972
  TITLE 43. PUBLIC WELFARE
  CHAPTER 47. MISSISSIPPI VULNERABLE PERSONS ACT
  § 43-47-7. Reporting abuse, neglect, or exploitation; establishment of central register; confidentiality

- MISSISSIPPI STATE DEPARTMENT OF HEALTH SOCIAL WORK MANUAL
  Practice of Public Health: Suspected Abuse and Neglect, Page 20

  Miss. Code Ann. § 97-5-51 (b):
  Miss. Code Ann. § 97-3-95 (1):
Mandatory Reporting

Are there any reason’s why you would be hesitant to report?

• I don’t want to interfere in someone else’s family
• What if I break up someone’s home
• They will know I reported it
• It will not make a difference if I report it
• I believe someone else will handle it
• I do not have proof- I need to observe the family to get significant evidence
• What if I am wrong- mess up relationship with the family
• Is this normal
• There is more damage done when children are removed- better to work with families in their environment
• Am I over reacting
• I don’t know what will happen once I report
Mandatory reporting is an action to help a victim that you suspect needs further intervention to secure the life and safety of an individual.

Please answer the questions on the next 3 slides as True or False.
Question

Only those working in a professional setting are allowed to report any suspicion of abuse to a child?
Question

It is okay to ask a neighbor to report your findings as if they observed the situation first hand?
Any person having reasonable cause to suspect that an individual is being neglected or abused has the obligation and responsibility to report their suspicions?

True or False
Abuse presents itself in many different ways. It is important that we are fully aware of the indicators of abuse and what needs to be reported.

Please answer the questions on the next 3 slides.
Emotional/Verbal Abuse is anything said or done that is hurtful or threatening to a child and is the most difficult form of maltreatment to identify.

True or False
The exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money are not indicators of sexual abuse. And does not need to be reported.

True or False
The mistreatment of any person can be accomplished through action or in some cases inaction. Child maltreatment is considered to occur through acts of commission (action) or omission (inaction) depending on the circumstances.

True or False
We should be able to recognize behaviors, recognize unbiased “gut” feelings about possible issues, and be able to ask questions about a child’s life if there is a true concern for their safety and wellbeing.

- Please answer the questions on the next 3 slides.
When screening for abuse it is important to establish rapport with the client, first, tell the client that you ask everyone about abuse because it is so common. Say that these experiences can have a serious effect on a person’s overall physical and mental health.

True or False
Question

When screening teens about having older partners, can lead to discussions if she or he decided to stop having sex, would the partner still be interested?

True or False
Even if someone is not ready to disclose, by giving information, you can help them down the path to help.

True or False
Topic

Reporting abuse can feel overwhelming due to the rules, hesitations and of course the unknowns. To report a suspected abuse it is to prompt a further investigation. There are helpful resources one can utilize to report.

Please answer the questions on the following 3 pages.
When making a report, it is important to give them your work email versus your personal email to receive confirmation that you made the report.

True or False
Question

There are many fears and unknowns for reporting to the authorities when you expect abuse. One myth is that reporting is not anonymous.

True or False
Question

There is only one way to report abuse and that is with on-line reporting.

True or False
Is this a question???
Question

Any person having reasonable cause to suspect that an individual is being neglected or abused has the obligation and responsibility to report their suspicions?

True or False
Correct!
WRONG
Try Again
End of Quiz
Thank you for taking the time to learning more about Mandatory Reporting