

# DBB, INC.



## ABUSE REPORTING GUIDELINES

### Reporting Abuse

Child abuse reporting laws vary from state to state. For this reason, Congress enacted a new Federal law in 2018 which establishes a nationwide standard "*duty to report*" suspected child abuse. The "**Protecting Young Victims from Sexual Abuse and Safe Sport Act of 2017**" ("**Safe Sport Act**") mandates that all amateur sports organizations, which participate in an interstate or international amateur athletic competition and whose membership includes any adult who is in regular contact with an amateur athlete who is a minor must report suspected child abuse, including sexual abuse, within 24 hours to law enforcement.

#### According to federal law:

- An individual who is required, but fails, to report suspected child sexual abuse is subject to criminal penalties.
- If an individual reasonably suspects a case of abuse within their league, they should report it to the appropriate child services organization and/or local law enforcement as well as, their League President and District Director.

Reporting laws reflect parents' and volunteers' paramount obligation to protect children from maltreatment. While the requirements listed below are the legal minimums, local league personnel are encouraged to take immediate action if they believe the health or welfare of a child is at stake.

If there are questions concerning reporting in your state, we encourage you to consult with an attorney. As noted, whether to report child abuse depends upon several factors:

**What is "child abuse and neglect?"** Although federal legislation sets minimum standards for defining child abuse and neglect, the definitions of child abuse and neglect vary by state. It is thus critical that you work with your attorney to determine (1) what law governs your reporting obligations; and (2) what the law was when the alleged child maltreatment occurred.

**Who is required to report?** All individuals are required to report abuse. Any individual who fails to report suspected child sexual abuse is subject to criminal penalties.

**Who is permitted to report?** According to “The Protecting Young Victims from Sexual Abuse and Safe Sport Act of 2017” any individual who suspects a case of abuse within their league, they should report it to the appropriate child services organization and/or local law enforcement as well as, their League President and State Director.

**What is the standard for reporting?** The circumstances under which a mandatory reporter is required to report vary by state. The DHHS summarizes two typical reporting standards, for both mandatory and permissive reporters: (1) “the reporter, in his or her official capacity, *suspects* or *has reasons to believe* that a child has been abused or neglected”; and (2) the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child.” Again, work with your attorney to determine when you are required to or should make a report to a state agency.

**Is the communication privileged?** Some states identify when a communication is privileged, i.e., there is a right to maintain a confidential communication between a professional and their client or patient. However, this privilege is greatly restricted for mandatory reporters. For example, states commonly provide that the physician-patient privilege is superseded by the requirement to report child abuse.

**Will the report be anonymous?** Most states permit anonymous reports.

**Will the reporter’s identity be disclosed?** If a reporter does disclose his/her identity, many states protect the identity of the reporter from disclosure to the alleged perpetrator. In some cases, however, a reporter’s identity may be released (i.e., by court order or by waiver and/or consent).

We also encourage parents and volunteers to read more about abuse and neglect, familiarize themselves with the resources available to report abuse, and learn about the counseling and referral services that are available.

## **Additional Resources**

For **crisis assistance, counseling, and referral services**:

Childhelp is a national organization that provides crisis assistance and other counseling and referral services. The Childhelp National Child Abuse Hotline is staffed 24 hours a day, 7 days a week, with professional crisis counselors. **All calls are anonymous.** Contact them at 1.800.4.A.CHILD (1.800.422.4453), or visit <http://www.childhelp.org/>.