

Reporting Child Abuse In Indian Country

Objectives:

1. To explain the process of reporting child abuse and neglect in Indian Country.
2. Participants will learn who mandatory reporters are and who they report to.
3. Participants will learn the importance of educating the community on reporting child abuse and neglect.
4. Participants will become familiar with the laws mandating reporting in Indian Country.

Activities:

1. Design a flow chart of steps used in your community for reporting child abuse and neglect. Indicate which positions are mandatory reporters.
2. Discuss how you can make the community aware of who to report to, what to report and why it's important. Assure that the phone numbers they are to call are correct and available to community members.

Discussion Questions:

1. Discuss the process used in your community for reporting child abuse and neglect. Outline difficulties in the past with reporting and how they can be overcome.
2. Discuss how your Child Protection Team can educate the community on child abuse and neglect, mandatory reporters, importance of everyone reporting and who they can contact with a report.
3. Discuss the laws associated with mandatory reporting and how they affect your community.

Training Modules (Power Point Presentations):

[Reporting Child Abuse and Neglect](#)

REPORTING CHILD ABUSE IN INDIAN COUNTRY CHILD ABUSE HOTLINE: 1-800-633-5155

Mandatory Reporting of Child Abuse

Personnel with knowledge or reasonable suspicion that a child was abused in Indian Country or that actions are being taken or will be taken that would reasonably be expected to result in the abuse of a child in Indian Country must immediately report such abuse or action to local child protective services or local law enforcement.

Indian Child Protection and Family Violence Prevention Act, P.L. 101-630; 18 U.S.C. § 1196 (a)

Mandated Reporters

Federal Law requires that the following personnel report abuse –

- **Health Care Personnel** including physicians, surgeons, dentists, podiatrists, chiropractors, nurses, dental hygienists, optometrists, medical examiners, emergency medical technicians, paramedics,
- **Education Personnel** including teachers, school counselors, instructional aides, teacher's aides, teachers' assistance, bus drivers, administrative officers, supervisors of child welfare and attendance, truancy officers
- **Child Care Personnel** including child day care workers, Headstart teachers, public assistance workers, group home workers, residential home workers, day care facility workers, social workers
- **Mental Health Personnel** including psychiatrists, psychologist, psychological assistants, marriage, family and child counselors
- **Law Enforcement Personnel** including law enforcement officers, probation officers, juvenile rehabilitation or detention facility workers, employees of public agencies responsible for enforcing statutes and judicial orders

Indian Child Protection and Family Violence Prevention Act, P.L. 101-630; 18 U.S.C. § 1169 (a)

Failure to Report Child Abuse is a Crime

Failure to immediately report the abuse of a child in Indian Country or actions being taken or that would reasonably be expected to result in abuse of a child in Indian Country to local child protective services or local law enforcement is a Federal crime.

Indian Child Protection and Family Violence Prevention Act, P.L. 101-630; 18 U.S.C. § 1169 (a)(3)

Interfering with a Report of Child Abuse is a Crime

It is a federal crime for any supervisor or person in authority to inhibit or prevent a mandated reporter from making a report that a child was abused in Indian Country or actions are being taken or will be taken that would reasonably be expected to result in the abuse of a child in Indian Country.

Indian Child Protection and Family Violence Prevention Act, P.L. 101-630; 18 U.S.C. § 1169 (b)(3)

Reporting Child Abuse in Indian Country
Contact local Law Enforcement or Social Services
or
*Call the Indian Country **Child Abuse Hotline** 1-800-663-5155*

You do not have to prove abuse has occurred, but you do need to provide –

- The name of the child
- The age of the child
- The child's tribal affiliation
- Present state of the child (is it an emergency, is the child in imminent danger)
- The location or address and telephone number where the child can be found (school, parent's home, grandparent's home, friend's home, hospital, shelter)
- Name of the child's parent(s), tribal affiliation, address and telephone number
- Indicators that led you to believe the child is a victim of abuse
- You may remain anonymous, but it is helpful for Law Enforcement and Social Services to have your name and telephone number

Immunity from Liability

Any mandated reporter who reports the abuse of a child based upon his/her reasonable belief and in good faith is immune from civil or criminal liability for making the report. Indian Child Protection and Family Violence Prevention Act, P.L. 101-630; 25 U.S.C. § 3203

Confidentiality

The identity of any person making a child abuse report will not be disclosed without the consent of the individual. However, a Tribal, State or Federal investigative or social services agency may provide information, records, and the name of the informant to a court of competent jurisdiction or other agency that needs to know the information in performance of its duties.

Indian Child Protection and Family Violence Prevention Act, P.L. 101-630; 18 U.S.C. § 3203

**When Local Law Enforcement or Social Services
Receives a Report of Child Abuse**

The agency receiving the report is required to –

- Immediately initiate an investigation
- Take appropriate steps to secure the safety and well-being of the child(ren)
- Inform appropriate officials of the other agency
- Within 36 hours, prepare and submit a written report to the other agency
- Immediately notify the Federal Bureau of Investigation if the abuse involves an Indian child or the alleged abuser is an Indian