

# Mandated Reporting: Frequently Asked Questions

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## Mandated Reporting: Who, What, How

### What is mandated reporting?

Mandated reporting is the early recognition of child maltreatment with the goal of preventing further abuse from occurring. Many mandated reporters have professional relationships with children that make it possible for children to disclose abuse or for the mandated reporter to identify maltreatment.

Anyone working with children under 18 years of age who have reasonable cause to suspect child abuse or neglect should report it. However, certain professions are required by law to report suspected child abuse or neglect in Georgia [OCGA 19-7-5(c)(1)]. Most reports are made by mandated reporters, making them a first line of defense. The law aims to protect and prevent further abuse and its adverse effects as well as bring protective services into the home with the hopes of improving the child’s welfare and preserving the family when possible.

Professionals Considered Mandated Reporters Under Georgia Law	
<ul style="list-style-type: none"> <li>• Child Welfare agency Personnel</li> <li>• Child Service Organization Personnel</li> <li>• Counselor/ Social Worker</li> <li>• Dentist</li> <li>• Hospital or Medical Personnel/Volunteer</li> <li>• Licensed Psychologists a</li> <li>• Marriage and family therapists</li> <li>• Physicians, Physician Assistants, Interns or Residents</li> <li>• Podiatrist</li> </ul>	<ul style="list-style-type: none"> <li>• Pregnancy Resource Center Personnel and Volunteers</li> <li>• Psychiatrist Registered Nurse/ Nurse Aides</li> <li>• Reproductive Health Care Personnel</li> <li>• School Administrator/School Guidance Counselor</li> <li>• School Personnel</li> <li>• School Psychologist</li> <li>• School teacher / Visiting Teacher</li> </ul>

These are just the people legally required to report suspected abuse; however, **ANYONE** is allowed to make a report.

### What are Designated Mandated Reporter Required to Do?

**“At my workplace, we are required to discuss concerns about possible child abuse and neglect with a designated staff person or supervisor first, and that person makes the decision about whether a report will be made. Is this ok?”**

Some organizations designate a certain person(s) who is responsible for making all child abuse reports on behalf of staff. This person is referred to as the designated reporter (ex: all hospital staff report their suspicions to the hospital social worker, who then files the report to DFCS). If an organization has a designated mandated reporter, that person **MUST** submit all reports made to them, regardless of whether or not they agree or believe the allegation. An employee or volunteer who makes a report to their organization’s designated reporter will have fulfilled their legal obligation. In organizations without a designated reporter, it is up to each individual to make the report of suspected abuse. (O.C.G.A. §19-7-5.)

## As a mandated reporter, am I required to report suspected abuse outside of my role as a professional?

Your legal obligations to report refer to your professional interaction with children (includes volunteer interaction with children). You are not mandated to report during off hours, like witnessing abuse from a neighbor in your community, but you can and should make a report of abuse! However, there are some licensures/ professions that require their employees to report suspected abuse no matter where or how they encounter the situation.

**Reference:** The Georgia Supreme Court case is *May v. State*, 295 Ga. 388, 761 S.E. 2d 38 (2014).

## What is reportable to DFCS?

DFCS's main concern is the primary caretaker's ability to nurture and protect their children. All reports require the alleged maltreater to be a caretaker responsible for the child EXCEPT for child sex or labor trafficking. In those cases, it doesn't matter who is exploiting the child, it should be reported to DFCS.

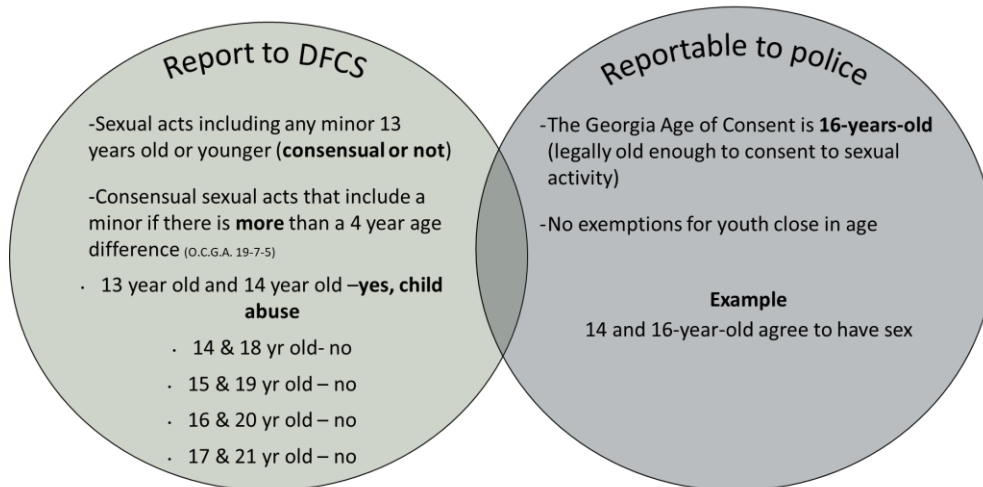
Reports made to DFCS that do not include allegations or suspicions of the criteria below, are likely to be screened out. The primary role of DFCS is child protection - to investigate and take protective measures when children are unsafe because of child abuse and neglect.

- **Child physical abuse-** Any non-accidental physical injury or death inflicted upon a child by a parent or caretaker. Physical forms of discipline may be used as long as there is **no physical injury** to the child. [GA Code § 19-15-1 \(2022\)](#)
- **Child neglect-** The failure to provide proper **parental care, subsistence, education** required by law, or other care needed for a child's physical, mental, or emotional **health**; the failure to provide a child with **adequate supervision**; or the **abandonment** of a child by his or her parent, guardian, or legal custodian. [\(GA Code § 15-11-2 \(48\) \(2022\)](#)
- **Child sexual abuse and exploitation-** Employing, using, persuading, enticing, or coercing any child to engage in any act which involves: sexual intercourse (genital, oral, anal), bestiality, masturbation, exhibition of the genitals in public, beating or torture by or upon a person who is nude, Condition of being bound or physically restrained on the part of a person who is nude, physical contact for sexual stimulation or gratification, defecation or urination for the purpose of sexual stimulation, penetration of the vagina or rectum by any object (except as part of a recognized medical procedure), sex trafficking/sexual servitude exploitation (GA Code § 19-15-1(11) (2022)). Exploitation also includes sexually explicit conduct for the purpose of producing visual or print medium (film, photograph, negative, slide, magazine, or other visual medium). Code Section 16-12-100

- i. **Sex Trafficking-** Commercial Sexual Exploitation of Children (CSEC) refers to the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value given or received by any person.
- ii. **Sexual Servitude-** Any sexually explicit conduct or performance of a child for which anything of value is directly or indirectly given, promised to, or received by any individual.

\*Sexual abuse shall include consensual sex acts when the sex acts are between minors if any individual is less than 14 years of age; but does not include consensual sex acts when the sex acts are between a minor and an adult who is not more than four years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

## Consenting Sexual Partners Including Minors



\*Reports alleging sex trafficking/sexual servitude or sexual exploitation does **not require the alleged maltreater to be a parent, guardian, legal custodian**, or other person responsible for the care of the child. ([GA Code § 15-11-2 \(69, 70\) \(2022\)](#))

- **Child labor trafficking-** Work or service of economic or financial value which is performed or provided by another individual and is induced or obtained by coercion or deception.
- **Child emotional abuse-** Any act of a caregiver that causes observable impairment in a child’s ability to function within a normal range of actions and behavior or that create a risk of impairment. Examples of emotional abuse are verbal threats or bizarre punishment designed to isolate or humiliate by a caretaker. Exposure to **domestic violence** that results in emotional distress to the child is also consider emotional abuse. Exposure can range from witnessing, hearing, or perceiving the aftermath of domestic violence.

- **Prenatal Abuse-** Exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, which results in:
  - i. Symptoms of withdrawal in a newborn or newborn testing positive
  - ii. Medically diagnosed and harmful effects in a newborn's physical appearance or functioning. ([GA Code § 15-11-2\(56\)](#))
- **Imminent risk of serious harm to the child's physical, mental, or emotional health.**

### When should I make a report?

You should make the report as soon as you have reason to believe or suspect abuse is occurring, witness the abuse or receive a disclosure. Ideally, you should report the abuse immediately but at least within 24 hours. You do not need to have proof or knowledge beyond a reasonable doubt that abuse is occurring. All you need is a **suspicion**. Again, this means that you do not have to have proof just knowledge to reasonably suspect abuse. Do not wait for proof or more information to make a report. (O.C.G.A §19-7-5 (e)).

### How do I make a report?

You have three options to make a report:

- **Option 1:** Report by calling the 1-855-GA-CHILD (422-4453) number **24 hours a day, 7 days a week.**

When making a report try to include:

- Names and addresses of the child(ren) and the child's parents or caretakers
  - The child's age
  - Nature and extent of the child's injuries, including any evidence of previous injuries
  - Information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator
  - Include the child's current location and other children in the home
- **Option 2:** E-mail the completed Georgia Mandated Reporter form to [customer\\_services\\_dfcs@dhs.ga.gov](mailto:customer_services_dfcs@dhs.ga.gov) or fax the form to 229-317-9663. You will receive an auto-reply confirmation and possibly a return phone call within two hours to acknowledge your report and collect any additional information needed. Please include a number where you can be reached on the report.  
To request a PDF version of the form, contact [customer\\_services\\_dfcs@dhs.ga.gov](mailto:customer_services_dfcs@dhs.ga.gov)
  - **Option 3:** Complete the digital form located at <https://cps.dhs.ga.gov>. A private code is needed to access the digital form which requires you complete the online mandated reporter training through Prosolutions.  
Proolutions Website: <https://prosolutionstraining.com>

## What information do I need to report a suspected incident of child abuse and neglect?

DFCS may ask the following questions:

- What happened and who is involved? What happened refers to the type of maltreatment and injury sustained.
- Describe your observations (description should include details about injury/incident, environment, home conditions, severity, impact on the child, etc.).
- When and where did the incident occur (include current location of the child(ren))
- What was going on before, during, and after the specific incident/circumstances/alleged maltreatment you are concerned about?
- Can you describe the caregiver's ability to protect/provide for the child and the child's ability to protect/provide for themselves? (e.g. Does either the caregiver or child have any developmental delays, special needs, malnourished? What is the child's maturity level? Does any caregiver have the ability to protect the child? Please provide examples).
- Family supports, additional comments, or worker safety concerns?

When making a report try to include:

- Names and addresses of the child(ren) and the child's parents or caretakers
- The child's age
- Nature and extent of the child's injuries, including any evidence of previous injuries
- Information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator
- Include the child's current location and other children in the home

## What are the penalties for not making a report?

A person who is required to report child abuse and who fails to do so has committed a crime. If a mandated reporter fails to report in Georgia, they can be charged with a misdemeanor. (O.C.G.A. 19-7-5)

## After I have reported the abuse/neglect, how soon will DFCS take action?

If DFCS determines the child is in immediate or impending danger, DFCS will begin an initial safety assessment immediately to 24 hours after receiving the allegations of child abuse/neglect by a caretaker. If allegations of maltreatment are present and the child is not in immediate or impending danger, DFCS will respond within 5 working days.

## Mandated Reporter Rights, Policies, Exceptions, and Best Practices

### As a mandated reporter, do I have rights?

As a mandated reporter, you do have rights. Those rights include anonymity or confidentiality, limited liability, and knowledge of the outcome of a report (only whether the case was substantiated or not).

While anonymous reports are allowable, it is helpful to provide your name if further information is needed. Additionally, if you would like to receive the outcome of the investigation and the mandated reporter letter, you will need to provide an email. Whether you report anonymously or give your contact information when making a report of abuse or neglect, DFCS will not disclose who made the report to the family. However, sometimes the family may be able to figure it out.

The only way to report anonymously is by calling the hotline, 1-855-GACHILD (1-855-422-4453).

### Can I make an anonymous report of child abuse or neglect?

Whether you report anonymously or give your contact information when making a report of abuse or neglect, DFCS will not disclose who made the report to the family. However, sometimes the family may be able to figure it out.

Below is the exact language from Georgia law:

- Reporters are able to make an anonymous report. If the reporter is unwilling to divulge his/her name, the CICC SSCM will continue with the intake report.
- The identity of a person making a report of abuse will not be disclosed to the family by DFCS, but their identity may become known if the case record is subpoenaed in a potential court proceeding. (DHS DFCS codes 2019 page 3). NOTE: If asked or compelled in court to name a reporter, the SAAG/DFCS will request that the reporter's identity be disclosed in the judge's chambers.
- If court action is initiated to protect a child, it may be necessary for the reporter to appear in court.

### Can I be sued for making a report? Can any other negative action (i.e. revocation of my professional license, fines, court action, etc.) occur because I made a report?

If you make a report about suspected child abuse or neglect in good faith (you suspect child abuse), you are immune from any liability resulting from the report.

What about confidentiality (HIPPA)? My profession must keep the information clients disclose confidential.

Mandated reporters must report suspected child abuse EVEN IF the mandated reporters' knowledge of the abuse is based on privileged communication or communication confidential by law. (e.g., medical professionals, attorneys)

**Georgia's ONLY exception to this law:**

A member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under **church doctrine or practice**. When a clergy member receives information about child abuse from any other source, the clergy member **shall comply with the reporting requirements** (even if the clergy member has also received a report of child abuse from the confession of the perpetrator). O.C.G.A. § 19-7-5 (Section G)

What about informing the parents that I have made a report? Am I required to or prohibited from telling them?

There is no legal requirement to tell parents that you have made a report concerning their child, or to withhold that information.

Telling the parents before a DFCS case worker has met with the child might further endanger the child. In those cases, it's important not to discuss the report until the case worker has made contact with the family.

Your organization can consider informing all clients as part of their onboarding information that the staff at your organization are mandated reporters, but it is not required by law.

**Ex:** Our main mission is to help support you and your families and part of that is mandated reporting any child abuse we suspect, as we are required by law to do.

**Ex:** Our main mission is to create safe learning environments and help children thrive through our educational programs, part of that is mandated reporting any child abuse we suspect, as we are required by law to do.

What should I do if a child discloses abuse to me?

When a child reports abuse to you, it is very important that you listen without expressing anger or disbelief. Children first need to know that they are believed and that the abuse is not their fault. Listen attentively and ask only open-ended questions, like "then what happened?"

If a child is disclosing information to you:

- Minimize the number of questions you ask
- Avoid the use of leading questions by asking only open-ended questions



- Don't try to get all of the details
  - Believe them and thank them for telling you
- ✓ **Use Open-ended Questions:** "Tell me more about that." Or "I'm not sure I understand, can you explain what happened?"
- X AVOID Leading or Close-ended Questions:** "Did your dad give you that bruise?" "Were you hurt by someone in your family?" "Why didn't you stop them."

As soon as you suspect abuse is occurring report the disclosure immediately to designated reporter or directly to DFCS. It is DFCS's job to investigate NOT mandated reporters.

## Specific Scenarios or Situations

### Are Youth Bullying or Suicide Ideation/Attempts Reportable to DFCS?

DFCS's main concern is the primary caretaker's ability to nurture and protect their children. All reports require the alleged maltreater to be a caretaker responsible for the child EXCEPT for child sexual exploitation or labor trafficking. In that case, it doesn't matter who is exploiting the child, it should be reported to DFCS.

DFCS is often the default go-to for any concern about child wellbeing, but they are designed to respond and responsible only for concerns of abuse or neglect. So, unless the child's depression and suicide ideation is

- 1) stemming from abuse/neglect or
- 2) in a situation where the caregiver knows about the suicidal thoughts but is unresponsive, unwilling, or unable to get support for the child (considered imminent risk of serious harm and is reportable to DFCS),

then DFCS is not the entity intended to address this. The child and family should be connected with resources such as 988 for immediate support or other counseling/therapy that is accessible to the family (through DBHDD or other public/private providers).

### How should I handle disclosure of past abuse?

The Georgia Mandated Reporter Laws (19-7-5) doesn't give clarity on timeframe. We know that therapists and counselors will often learn of past abuse through their work with children. A key piece is the child currently under the guardianship of a protective caregiver, and that the abuser no longer has access to the child. That would be DFCS's main concern as well as the child receiving services to mitigate trauma. Depending on the information, there are times when a historical incident of abuse may be assigned, and others when it may not.

If you do feel like a report should be made for past abuse, DFCS assesses the following to determine whether the report will or won't be screened in.

- If the victim is still a minor
- The severity of the allegations
- Prior DFCS involvement
- Whether the child is visible to mandated reporters or the community
- other children in the home who may still be unsafe (if the victim is now 18 or older)
- The caregiver's protective capacity
- The abuser's access to the child

As always, if they are unsure, go ahead and report. DFCS will thoroughly assess the situation, gather the information needed, and determine whether to assign the report for further assessment.

#### How can you differentiate child abuse from brittle bone syndrome?

The child will need extensive medical testing, preferably done under the watch of a child abuse pediatrician or another pediatrician with specialty training or experience working with children who have been abused. There are tests that need to be ordered but a solid history of the extent of fractures throughout the child's life is important as well to determine mild vs. severe cases. A child with osteogenesis imperfect (brittle bone syndrome) will often have an extensive history of fractures beginning early in life (sometimes even during birth) along with other physical signs that may be present.

#### If a family is experiencing hardship or poverty and it affects the child(ren), should I make a report? Is it appropriate to report a family because they are experiencing poverty?

Keep in mind, living in poverty or having limited resources is not neglect. However, a family's inability or unwillingness to use available information and resources to care for their child may put the child's health or safety at risk, and DFCS intervention could be required. For situations where a caregiver seeks necessities but does not have the means to purchase them, a link to community resources should be considered versus a report of neglect to DFCS.

You can also familiarize yourself with community support and resources. [www.FindHelpGA.org](http://www.FindHelpGA.org) is a virtual resource hub where people can find free and low-cost services by ZIP code or speaking with a resource navigation specialist (1-800-244-5373). These are great resources to provide families who need support but do not require a report to DFCS.

In what circumstances, if any, is underage drinking reportable to DFCS?

DFCS referrals should be made when child abuse or neglect by a caretaker is suspected. When considering whether to report teenage drinking to DFCS, there should still be a suspicion of child abuse or neglect by a caretaker. Georgia law does permit the parent or guardian to give their child alcohol in their home when the parent or guardian is present (OCGA §3-3-23).

Factor in the entirety of the situation, with a **focus on the caretaker's role** and the circumstances surrounding the drinking. Questions to consider:

- Is the caretaker aware their teen is drinking alcohol?
- If the caretaker is aware, are they intervening or attempting to discourage underage drinking?
- To what extent is the teen drinking?
- Are child safety concerns present?
- Where is the drinking occurring?

If the parent is taking appropriate actions to intervene or mitigate dangers, there may **not** be maltreatment by a caretaker. The family may need support from other resources (substance abuse treatment referrals) or agencies (DJJ involvement). The reporter does not need to know for certain child abuse/maltreatment occurred. Make a referral when there is a concern for child abuse or neglect, even if they are unsure whether it will be accepted.

**Source/References:** OCGA §3-3-23. Policy 3.1 Intake: Receiving Intake Reports. For more information see the child welfare policy manual on the [Online Directives Information System \(ODIS\)](#) website.

## Additional Resources for Mandated Reporting Working with Children and Families Virtually

### 1. How do you know if a child is being abused without seeing the child in-person?

You can ask open-ended questions about their current situation and inquire about who they are interacting with. You may also suspect abuse based on a child's change in behavior or mood, a child disclosing information to you, visible marks, or chaos in their home. Remember, you do not need proof of abuse to make a report. You only need to suspect that abuse is occurring. However, it is always important to provide as many details as possible to the Intake Caseworker. This will provide DFCS with enough information to warrant an assessment of the child.

**More Information on mandated reporting in a virtual environment:**

<https://abuse.publichealth.gsu.edu/files/2020/11/Mandated-Reporter-Virtual-Guide-for-EducatorsNov9-2020.pdf>

## 2. Question prompts for educators and child serving professionals to use when they call to check on students:

It is important to build a rapport with children and ask open ended questions such as:

- "How are things going at home?"
- "How do you feel about your time at home?"
- "Who are you hanging out with at home?"
- "Tell me more about that."
- If there are concerning or vague answers you may want to follow up with "Are you feeling safe/hungry/comfortable, etc.?"

## 3. What are suggested strategies for mandated reporting after children return to school?

Strategies for mandated reporting will be the same after the pandemic; however, it is important to be aware that there will likely be an increase in reporting (from our current situation) once children are able to interact with others outside the home. Since school has been done virtually or as a hybrid, the first youth-serving adults that children will likely interact with outside of family may be camp counselors, recreation center staff, childcare centers, faith leaders, etc. It is important to reiterate mandated reporting procedures to these youth-serving adults.

### Additional Resources

- **Find Help Georgia- Connection Families with Supportive Resources**  
Link: [www.FindHelpGA.org](http://www.FindHelpGA.org)
- **Protecting Children During Covid-19 – End Violence Against Children**  
Link: <https://www.end-violence.org/protecting-children-during-covid-19-outbreak>
- **Autism Speaks – COVID-19 Information and Resources for Families**  
Link: <https://www.autismspeaks.org/covid-19-information-and-resources-families>
- **Childhelp – National Reporting Hotline and Text line for Children and Youth**  
Link: <https://www.childhelp.org/childhelp-hotline/>
- **Mental Health America of Georgia – Mental Health**  
Link: <https://www.mhageorgia.org/>
- **Prevent Child Abuse Georgia In-Person Mandated Reporter Training**  
Link: <https://abuse.publichealth.gsu.edu/training/>
- **ProSolutions Online Mandated Reporting Training**

**Link:** [https://www.prosolutionstraining.com/content/?id=41/Mandated Reporters Georgia/](https://www.prosolutionstraining.com/content/?id=41/Mandated%20Reporters%20Georgia/)