

# Teens and Mandatory Reporting:

## Sample Language for mandated reporters when talking to youth

**Note to reader:** Be transparent about your obligation to report child abuse. Be intentional and careful about how you communicate your obligations as you don't want to go back on your word. When you are first establishing your relationship, consider talking about mandated reporting obligations in more general terms. The following is sample language and only a starting point.

### Sample Language

I am more than willing to listen to anything you would like to share. Your confidentiality is very important to me. I will try to make sure that anything you tell me isn't shared without your permission; however, there are some exceptions. I am required to report child abuse. Also, if I'm very concerned about your safety, I may need to tell another adult or someone who can better help you. Before I tell someone, I will make every effort to talk to you first to let you know that I am going to tell someone. Do you have any questions? And if at any point you have questions, you can always ask me.

### Possible follow-up questions which youth might ask

**Q:** IF I tell you something, who will you tell and what will you tell them?

**A:** The law requires me to report physical and sexual abuse or neglect to Child Protective Services or law enforcement. In appropriate cases, I may call Indian Child Welfare. Also, if someone is harming you or if you're a danger to yourself or others, I may have to tell someone who can better help you.

**Q:** Are you required to report if someone else already reported?

**A:** At least one person in an agency is required to report if the agency or person is a mandated reporter.

— Patricia Balke, Gina Bower, Ann Brickson, Cherie Griffin, Ian Henderson, Tess Meuer, Carolyn Parkinson —

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## Legal Q & A for mandated reporting

**Note to Reader: The information below is based on WI laws. These laws apply regardless of how the entity or agency to whom the report is made, such as CPS, interprets the law.**

**Q:** What is child abuse? Or: What kinds of things do you have to report?

**A:** Any sort of physical harm, sexual abuse or neglect is considered child abuse.

**Q:** What is physical harm?

**A:** Actions which cause/caused pain, injury or illness such as hitting, punching, slapping, or which cause a person to have bruises, welts, marks or redness. This includes choking, known by law as strangulation.

**Q:** What is sexual abuse?

**A:** Sexual abuse is sexual intercourse or sexual contact. Sexual intercourse means vaginal sex, anal sex, oral sex, or the insertion of any body part (including fingers) or any object into the vaginal or anal opening. Sexual contact is touching of any intimate body part, either directly or through the clothing.

**Q:** What is neglect?

**A:** Neglect is the denial of food, shelter, clothing, or medical care.

**Q:** Must I report emotional abuse?

**A:** While emotional abuse is not part of mandated child abuse reporting, concern about a child's emotional well-being may be a consideration in deciding to report.

**Q:** Who is considered a child under the law?

**A:** Anyone under the age of 18 is considered a child.

**Q:** When am I required to report?

**A:** You may be mandated to report under the law, by your professional licensing requirement/obligations, or by your agency's policies.

**Q:** Under what time frame am I required to report under the law?

**A:** You are required to report child abuse and neglect immediately.

**Q:** To whom do I have to report?

**A:** Contact Child Protective Services, known as CPS, or law enforcement. In appropriate cases, you may call Indian Child Welfare. Tell the youth that you have called them.

**Q:** Do I have to report if two 15 year olds are engaging in sexual contact?

**A:** Yes. Sexual intercourse or sexual contact with someone under age 16 is a felony (very serious crime) and is reportable abuse. This is true whether or not the sexual contact or intercourse was voluntary.

**Q:** What about sexual intercourse or contact involving 16 or 17 year olds? Do I have to report that?

**A:** Maybe. It is reportable abuse if someone age 16 or 17 discloses non-consensual sexual intercourse or contact. Voluntary sexual contact or intercourse with someone age 16 or 17 is generally not reportable, but that there may exceptions based upon your county's policies.

— Patricia Balke, Gina Bower, Ann Brickson, Cherie Griffin, Ian Henderson, Tess Meuer, Carolyn Parkinson —

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# Teens and Mandatory Reporting:

## Tips for advocates building a relationship with teen clients

Building a trusting relationship with teens can be complicated and challenging, especially since your professional responsibilities may conflict with the trust you are building. Each of you will have a different approach depending on your personal preference in connecting and communicating, and the policies and obligations of your workplace or professional role. Here are some general guidelines to consider.

Be sure to modify these recommendations to meet your program's needs.

### **1. Be transparent about your mandated reporting obligations.**

Be transparent about your obligation to report child abuse. Be intentional and careful about how you communicate your obligations as you do not want to go back on your word. When you are first establishing your relationship, consider talking about mandated reporting obligations in more general terms. If someone is physically hurting the teen or if they are a physical danger to someone else, you will have to get others involved that can help. Let them know that if you report anything, you will make every effort to contact the teen first, before anyone else is told. Be open and prepared to answer questions and to re-visit mandated reporting in future conversations. Relevant topics to be prepared to discuss more may include clarifying reporting for: physical harm vs illegal activity (i.e. drugs & alcohol), sexual relationships with others under age 18 and sexual abuse under the law.

### **2. Know your other obligations and boundaries.**

While you may not be legally mandated to report certain information shared with you, you may feel an obligation to disclose information to others based on your program policies or your personal concerns. To account for these added complexities, let the teen know that if something comes up that makes you worried about their physical safety or well-being, you may have to get others involved (i.e. an adult in their life: a caregiver\*, parent, relative, family friend; and/or an adult you know: a co-worker or specialist). Again, you will make every effort to talk to the teen beforehand and work with them to decide how to do this. Be clear about your roles as an advocate. Let the teen know that there may be times when their needs are outside the realm of your expertise and inform them that if you are ever unable to help, you may consult with a coworker or refer them to a resource that will better fit their needs. Be sure to take time to learn about your program policies for confidentiality exceptions, especially when a minor is at risk but the risk is not reportable as child abuse. Also reflect on your personal boundaries and know that these boundaries may change.

### **3. Respect confidentiality.**

Teens have the right to confidentiality. Your role as a mandated reporter and other obligations you may have may put limits on the amount of confidentiality you can honor. Be honest with yourself and with the teen about these limitations. If you talk to a caregiver or another specialist, ask for the teen's permission whenever possible. Know there may be times when you will not be asking for the teen's permission. In both scenarios, work with the teen to decide how you will do this, taking into consideration their input when possible and being clear with the teen about exactly what will be discussed. Tell the caregiver or specialist the same information.

### **4. Empower your client.**

Tell the teen that it's not your role to tell them what to do. Teens often appreciate being validated that they are in charge of their choices. Consider discussing how they live with the consequences of their choices, not you, so it would be inappropriate for you to tell them what to do.

### **5. Be honest and offer options.**

While you won't tell the teen what to do, let them know you will be honest with them. If you think some of their choices are harmful, you will let them know. Remind the teen that you will provide information, but what to do with that information is their decision. Accept their choices without judgment and let them know you will not judge them. When you make strong recommendations, be aware of your motive for the recommendations. Reflect on if it's your own bias or if it's for the safety of the teen.

### **6. Respect their pace and their space.**

If the teen isn't ready to talk about what's going on, don't force the issue. Try talking about whatever is easy for them to talk about, (i.e. friends, work, activities, school). Discuss with the teen that they don't have to tell you anything they don't want to. They may want to tell just parts of stories and leave out other parts, and that's okay. Empower them to tell you to "back off" when they need to and that you'll respect their request. Remind the teen you are there to work with them, and no one else (i.e. their adult caregiver), so the more honest they can be, the easier it may be. Be aware that while you are there to work with the teen, at times you may align with the adult caregiver for the teens' safety. In these cases, it's okay to be honest that your assessment of the teen's risk may not line up with the teen's assessment of their risk.

## **7. Give insight about what's been shared.**

If an adult, such as the teen's caregiver, is also receiving services from you or in contact with you, the caregiver may have talked to you first about the teen. Teens may anticipate that they have been previously talked about and may be afraid of judgments from you about what was discussed. Give the teen a very brief summary of what you've heard, and let them know that although their caregiver may mean well, it doesn't mean their version of the story is always accurate. Inform your client that their version of the story is always the most important one.

## **8. Be non-judgmental and relaxed.**

Check yourself and your assumptions, values and judgments. Do not project these on the teen. Don't act shocked, disgusted, surprised, or frustrated about what teens tell you. Don't lecture. During the first few meetings especially, teens may be testing to see your reaction. Be supportive and relaxed.

## **9. Process your own feelings.**

While building a relationship with teens, challenges will likely come up for you. Take care of yourself and consider discussing what's going on for you with a trusted coworker or friend. Focus on the feelings you are processing rather than details about your teen client. As always, be sensitive and respectful of the teen's confidentiality.

## **10. Consider general things teens need when affected by dating and sexual violence.**

Teens need: to be believed; to be treated with respect; to know they are not alone; to know violence and abuse are not okay; to know it's not their fault; to have their peer relationships respected; a chance to talk and be heard; to be given information about help available; to make choices about their own situation; to know they have the right to be safe; to learn equitable non-violent problem solving; opportunities to feel good about themselves; and respect for their individuality.

\*The term caregiver is referred to in order to represent an adult figure in the teen's life such as a parent, adult guardian, relative, or family friend. Be sure to use language that is teen friendly and appropriate to their life situation.