

**SUSPECTED CHILD ABUSE/NEGLECT REPORTING
AND MANDATED REPORTERS IN THE
BUREAU OF INDIAN EDUCATION**

The Bureau of Indian Education (BIE), Requirements and Protocol for Reporting Suspected Child Abuse/Neglect (SCAN) provides that each BIE employee will receive notice of their responsibilities as a Mandated Reporter of child abuse upon initial employment and annually thereafter. Chapter 1 states, in part, that the notice will include all positions designated as Mandated reporters, when a Mandated Reporter must report child abuse or suspected child abuse, how the Mandated Reporter is to report the information, and the ramifications for not reporting child abuse or suspected child abuse. Further, Chapter 6 states, in part, that each BIE employee will receive information advising them of the requirements of their positions to include the reporting of child abuse or suspected child abuse. The information will be provided upon a tentative offer of employment, and annually thereafter. Finally, all BIE employees whose positions have been designated as a Mandated Reporter will receive a briefing on the requirements of this designation upon hiring and annually at the beginning of each school year.

The information sheet is designed to provide notice, information and training for Mandated Reporters in BIE. It also satisfies the requirement for employees to receive written information regarding their responsibilities as Mandated Reporters.

Mandated Reporters

The following positions are designated as Mandated Reporters within BIE:

- * Teachers
- * School Counselors
- * Instructional Aides
- * Teacher’s Aides
- * Teacher’s Assistants
- * Bus Drivers
- * Administrative Officers
- * Child Welfare & Attendance Supervisors
- * Truancy Officers
- * Child Day Care Workers
- * Psychiatrists
- * Psychologists
- * Psychological Assistants
- * Licensed or Unlicensed Marriage, Family or Child Counselors

These additional Mandated reporters may have an impact on BIE Positions

- * Nurses/Physicians/Surgeons
- * Dentists/Dental Hygienists
- * Optometrists
- * Medical Examiners
- * EMTs/Paramedics
- * Health Care Providers
- * Headstart Teachers
- * Public Assistance Workers
- * Group Home, Day Care, Residential Workers,
- * Social Workers
- * Mental Health Personnel
- * Law Enforcement Officers
- * Probation Officers
- * Juvenile Rehabilitation or Detention Workers
- * Personnel responsible for enforcing laws and Judicial orders

Persons engaged in the following professions and activities are also subject to the mandated reporting of child abuse or suspected abuse: Alcohol or Drug Treatment Personnel; Persons performing a healing role or practicing the healing arts; Guidance Personnel; School officials (i.e., anyone who has management oversight of or at a school); and School Administrators, (i.e., anyone working in an official capacity at a school).

Finally, in addition to the positions and activities specifically identified above, all Federal employees, contractor employees within BIE also have a duty to report any reasonable suspicion of child abuse for any Indian child for which they have responsibility.

Child Abuse and Neglect – Definitions

“CHILD” means any person who is not married and has not attained 18 years of age.

“CHILD ABUSE” includes but is not limited to any case in which a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and such condition is not justifiably explained or may not be the product of an accidental occurrence; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

“CHILD NEGLECT” includes but is not limited to, negligent treatment or maltreatment of a child by a person, including a person responsible for the child’s welfare, under circumstances that indicate that the child’s health or welfare is harmed or threatened thereby.

“FAILURE TO REPORT CHILD ABUSE”

Mandated Reporters who fail to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to \$5,000 and/or imprisoned up to 6 months in jail. Furthermore, any supervisor or person in authority who inhibits or prevents a Mandated Reporter from making a report may be fined up to \$5,000 and/or imprisoned up to 6 months in jail. In instances

where it is determined that an BIE employee has failed to report child abuse as required, BIE management reserves the right to impose administrative and/or disciplinary action against the involved employees, up to and including removal.

Public Law 101-630, as amended (Codified in 25 USC 3203 § 1169), *Indian Child Protection and Family Violence Prevention Act*, requires that any person identified as a Mandated reporter who knows or has a reasonable suspicion that a child has been abused in Indian country, must report the information to the local protective services agency or local law enforcement agency. Further, if the Mandated reporter knows or has a reasonable suspicion that actions are being taken, or are going to be taken, that would reasonably be expected to result in the abuse of a child in Indian country he/she must report the information to the local child protective services agency or local law enforcement agency. Public Law 101-630 also specifically identifies positions designated as Mandated Reporters, outlines the penalties for Mandated reporters who fail to immediately report such abuse or actions described to proper authorities, and the penalties for supervisors, or those having authority over Mandated reporters, who prevent or inhibit a Mandated reporter from making the proper reports.

Public Law 101-647, (Codified in 42 USC § 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*, requires that any person who, while in a professional capacity or activity on Federal land or in a federally operated (or contracted) facility learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated to receive the report.

THE BOTTOM LINE?

If you work in any capacity, in any organization, within the Bureau of Indian Education, **YOU ARE A MANDATED REPORTER.**

In addition to the Federal laws described in this information sheet, every state, most tribes, and the BIA have laws, ordinances, or policies which make it mandatory that every person/employee report suspicions or any occurrence of child abuse and/or neglect. A report of the suspected abuse is only a request for an investigation or inquiry. The person making the report does not need to prove the abuse. Investigation and validation of child abuse reports are the responsibilities of law enforcement and child protective services. If additional incidents of suspected abuse occur after the initial report has been made, a Mandated Reporter must make another report.

Mandated Reporters who learn of facts that give reason to suspect that a child has suffered an incident of child abuse; know or have a reasonable suspicion that a child was abused in Indian country; OR know 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 contact local law enforcement, local child protective services or the Indian Country Child Abuse Hotline (1-800-633-5155).

In addition, BIE has established specific procedures and guidelines for mandated reporters to follow when reporting such information within BIE. Those procedures are found in the *BIE Requirements and Protocol for Reporting Suspected Child Abuse/Neglect (SCAN)*. The SCAN Protocol is available from your Education Line Office, Principal, Administrative Inquiry Team Members, the BIE Human Resources Office, or the BIE Human Resources Web Page at: www.oiephr.edu/Security.htm.

Resources for Mandated Reporters

BIE Human Resources Website: <http://www.oiephr.bia.edu>

Download Security Program documents; find Human Resources Specialists who service your school/facility, and retrieve the latest information on all Human resources Programs. You may also contact BIE Security Services at (505) 563-5288 or (505) 563-5287 to obtain additional information.

Your Education Line Officer:

Social Services/CPS Contacts for your location:

Your Administrative Inquiry Team Members:

Notes:

Law Enforcement Contacts for your location:
