

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(3) Intake	<b>Effective Date:</b>	July 2019
	<b>Policy Title:</b>	Mandated Reporters		
<b>Policy Number:</b>	3.24	<b>Previous Policy #:</b>	N/A	

### CODES/REFERENCES

O.C.G.A. §19-7-5 Reporting of Child Abuse  
O.C.G.A. §49-5-12 License and Inspection of Child Welfare Agencies; Standards; Penalties  
O.C.G.A. § 49-5-41 Persons and Agencies Permitted to Access Records  
Title IV-E of the Social Security Act Section 471(a) (9) (A)  
Child Abuse and Prevention Treatment Act  
Comprehensive Addiction and Recovery Act of 2016 (P.L. 114-198)

### REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. *Report to the Child Protective Services Intake Communication Center (CICC) immediately, but in no case later than 24 hours of known or suspected instances of child abuse and neglect including reports of physical or mental injury, sexual abuse or exploitation or negligent treatment or maltreatment of children including children receiving aid under Titles IV-B or IV-E, including children in the custody of DFCS.*  
**NOTE:** This includes physical injury or death, neglect or exploitation, endangering a child, sexual abuse and sexual exploitation in accordance with Georgia law (see Forms/Tools: Maltreatment Codes for definitions).
2. Ensure that mandated reporter training available for mandated reporters by:
  - a. Providing opportunities for educating mandated reporters on their legal obligation to report known or suspected child abuse.
  - b. Providing medical personnel training opportunities regarding their obligation to report known or suspected child abuse to the CICC, including:
    - i. Infants born-alive suspected of medical neglect under circumstances that indicate that the child's health or welfare is threatened; and
    - ii. Infants born and identified as being affected by substance abuse (legal and illegal) or withdrawal symptoms resulting from prenatal drug exposure or a Fetal Alcohol Spectrum Disorder.
3. Inform mandated reporters of their obligation to report known or suspected instances of child abuse in accordance with the mandated reporter statute O.C.G.A. §19-7-5.
4. Immediately inform a mandated reporter of their legal obligation to report child abuse and provide him/her with a copy of the mandated reporter statute, upon becoming aware of their failure to report known or suspected child abuse.
5. Inform all mandated reporters during the intake process:
  - a. Reporters are immune from any civil or criminal liability when a report is made in good faith;  
**NOTE:** This includes any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in the making of a report or

- causing a report to be made, and individuals who otherwise provide information or assistance, including, but not limited to, medical evaluations or consultations, in connection with a report.
- b. Of the ability to obtain the status of an intake report assigned as an investigation, including whether the investigation is completed or ongoing.
  - c. Of the option to request notification of the disposition of an intake report assigned as an investigation (substantiated or unsubstantiated). If the mandated reporter requests notification of the disposition, DFCS will provide a written notification within five calendar days of the conclusion of the investigation (see policy [5.1 Investigations: Conducting an Investigation](#)).
  - d. If school personnel, that DFCS shall provide written notification:
    - i. Within 24 hours of the receipt of an intake report to the school personnel who made the report; and
    - ii. Within five calendar days of completing the investigation to the school counselor from the school the child was attending at the time of the reported abuse, advising of the disposition (substantiated or unsubstantiated) of an intake report assigned as an investigation. If a school does not have a school counselor, this disclosure shall be made to the principal see policy [5.1 Investigations: Conducting an Investigation](#)).
6. Provide notification of the receipt of the intake report in the form of the Mandated Reporter Letter via mail, email, or fax to the mandated reporter **within 24 hours** of the receipt of an intake report from a mandated reporter.

## PROCEDURES

### **Mandated Reporter Training**

DFCS will provide mandated reporters with the following resources to facilitate mandated reporter training:

1. Locations of web-based training for all mandated reporters.
2. [Specific training opportunities for medical personnel](#) concerning:
  - a. Infants born-alive suspected of medical neglect under circumstances that indicate that the child's health or welfare is threatened; and
  - b. Infants born and identified as being affected by substance abuse (legal and illegal) or withdrawal symptoms resulting from prenatal drug exposure or a Fetal Alcohol Spectrum Disorder.
3. Mandated reporter training for DFCS staff.
4. Mandated reporter duties and responsibilities to report suspected child abuse as outlined in O.C.G.A. §19-7-5, Reporting Child Abuse.

**NOTE:** County Departments may provide mandated reporter training in coordination with the Training and Professional Development.

### **Engaging Mandated Reporters during the Intake Assessment**

The CICC Social Services Case (SSCM) will:

1. inform mandated reporters of the following:
  - a. Reporters are immune from any civil or criminal liability when a report is made in good faith.

**NOTE:** This includes any person or persons, partnership, firm, corporation,

association, hospital, or other entity participating in the making of a report or causing a report to be made, and individuals who otherwise provide information or assistance, including, but not limited to, medical evaluations or consultations, in connection with a report.

- b. Reporter information will be kept confidential; however, the case record may be subpoenaed as a result of court proceedings and the reporter cannot be assured confidentiality will be fully protected.

**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.

- c. If court action is initiated to protect a child, it may be necessary for the reporter to appear in court.
  - d. They are able make an anonymous report. If the reporter is unwilling to divulge his/her name, the CICC SSCM will continue with the intake report.
  - e. The necessity to gather information concerning the family functioning areas in order to conduct the intake assessment and make an intake decision.
  - f. The option to obtain the status of an intake report assigned as an investigation and whether the investigation is completed or ongoing.
  - g. The option and process to receive information verbally or in writing the disposition (substantiated or unsubstantiated) of an intake report that is assigned as an investigation. Inform any mandated reporter who requests notification that an update will be received within five calendar days of the conclusion of the investigation.
  - h. If the mandated reporter is school personnel, that DFCS will provide written notification within five calendar days of completing an intake report assigned as investigation to them advising of the disposition (substantiated or unsubstantiated). If a school does not have a school counselor, this disclosure shall be made to the principal.
  - i. If the mandated reporter is school personnel, but not the school counselor (e.g. teacher, bus driver, janitor, etc.) the name of the school counselor or principal where the child is attending at the time of the intake report is needed.  
**NOTE:** Document this information in the additional comments section in Georgia SHINES (see policy [5.1 Investigation: Conducting an Investigation](#)).
  - j. If the mandated reporter is the school counselor (or principal if the school does not have a counselor) and the intake report is assigned as an investigation they will be provided the disposition of the investigation (substantiated or unsubstantiated) within five calendar days of conclusion (see policy [5.1 Investigation: Conducting an Investigation](#)).
2. Upon approval of the Intake Assessment by the Social Services Supervisor, provide the Mandated Reporter Letter via mail, email or fax to the mandated reporter within 24 hours of the receipt of the intake report. The letter will include the following information:
- a. Notification of the receipt of the intake report and a listing of potential dispositions.
  - b. Notification of the mandated reporters' ability to request the findings of substantiated or unsubstantiated if the case is assigned as an investigation.
  - c. If the report was made by a mandated reporter who is school personnel (and is not the school counselor), that the school counselor (or principal) where the child is attending at the time of the report will also be notified of the investigation findings (substantiated or unsubstantiated) within five calendar days of the conclusion of

the investigation.

### **Mandated Reporters who Fail to Report Child Abuse**

The County Director or Designee will:

1. Immediately contact the mandated reporter by telephone, when DFCS becomes aware that a mandated reporter failed to make a report of known or suspected child abuse and inform the mandated reporter:
  - a. Of their responsibility as a mandated reporter to report known or suspected instances of child abuse or neglect per O.C.G.A. §19-7-5 Reporting Child Abuse.
  - b. That persons who knowingly and willfully fail to report shall be guilty of a misdemeanor.
2. Notify the District Attorney, if repeated violations occur.
3. Mail the mandated reporter a copy of O.C.G.A. §19-7-5 Reporting Child Abuse.

**NOTE:** An employee or volunteer who makes a report to the person designated to make reports to DFCS shall be deemed to have fully complied with O.C.G.A. §19-7-5 Under no circumstances shall the person designated to make reports exercise any control, restraint, modification or make a change to the information provided by the reporter, although the reporter may be consulted prior to the designated person making the report and may provide additional, relevant, and necessary information when making a report.

### **PRACTICE GUIDANCE**

#### **Mandated Reporters in Georgia**

Mandated reporters, in many instances, have long standing relationships and a unique perspective on the children and family for which they are reporting child abuse. Information based on this perspective is therefore vital to intake decision-making process. Mandated Reporters per O.C.G.A. §19-7-5 Reporting Child Abuse are:

1. Physicians licensed to practice medicine, physician assistants, interns, residents
2. Hospital or medical personnel
3. Dentists
4. Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43
5. Podiatrists
6. Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 24 of Title 43 or nurse's aides
7. Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43
8. School teachers
9. School administrators
10. School counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20
11. Child welfare agency personnel, as that agency is defined pursuant to O.C.G.A. §49-5-12
12. Child counseling personnel
13. Child service organization personnel
14. Law enforcement personnel

15. Reproductive healthcare facility or pregnancy resource center personnel and volunteers;
16. Persons that are employees or volunteers at a hospital, school, social agency, or similar facility shall notify the person in charge of such hospital, school, agency, or facility, or the designated delegate, and the person notified shall make the report
17. Clergy members when information is received outside the context of confession or other similar communication required to be kept confidential under church doctrine or practice (receipt from another source even in conjunction with the confession of the perpetrator).

### **Requirements of a Mandated Reporter Per O.C.G.A. §19-7-5 Reporting of Child Abuse**

Mandated reporters are required to report known or suspected instances of child abuse and/or neglect in the following manner:

1. Make an oral report by telephone or other oral communication or a written report by electronic submission or fax, immediately, but in no case later than 24 hours from the time there is reasonable cause to believe suspected child abuse has occurred, by telephone to 1-855-GA-CHILD or otherwise and followed by a report in writing, if requested.

**NOTE:** Oral reports may be requested by DFCS to be followed up in writing.

2. Ensure that reports contain the names and addresses of the child and the child's parents or caregivers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the alleged maltreater.

### **Mandated Reporter Training**

DFCS shall provide Mandated Reporters training related to their obligation to report known or suspected child abuse. Such trainings can be provided in person or by referring mandated reporters to available training including those available online at the following links:

1. [Mandated Reporter Law Webinar Training](#)
2. [Mandated Reporter Training](#)
  - a. Select Course Menu;
  - b. Scroll to Health and Safety Section; and
  - c. Select Mandated Reporters: Critical Links in Protecting Children.
3. [Mandated Reporter Training for Medical Professionals](#)
  - a. Select Course Menu;
  - b. Scroll to Health and Safety Section; and
  - c. Select Mandated Reporting Requirements: A Track for Georgia Medical Professionals

### **Building Community Partnerships with External Stakeholders<sup>1</sup>**

External Stakeholders within the local community, including mandated reporters are an important resource and can be a wealth of information for DFCS at any point during the life of a case, from intake through case closure. When DFCS and external stakeholders work

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<sup>1</sup> Child Welfare Information Gateway-Community Partnerships: Improving the Response to Child Maltreatment, 2010

collaboratively, each entity can learn and grow from each other through cultivating the partnership by:

1. Learning about the availability of new resources and how to access them.
2. Closing cases more confidently knowing that community services and supports are available to families.
3. Gaining a critical understanding and perspective of the neighborhoods in which they serve.
4. Making more informed decisions regarding out of home care and placement in the community.
5. Reducing stress caused by working in isolation from the community.
6. Increasing local awareness of child maltreatment and related issues.
7. Forming and strengthening relationships with community members, which can build trust between families, child welfare agencies and service providers.

Traditionally, child maltreatment responses have been from a single agency and focused on obtaining facts and information related to the allegations of child abuse. As child welfare practice has evolved, more external stakeholders have become involved with the families DFCS serves through the schools, service providers, mental health professionals etc. Despite any differences between DFCS and these external stakeholders, all share one primary goal, which is serving children and families. As the traditional agency leading the community in child welfare interventions DFCS has an opportunity to take the initiative to build strong collaborative relationships with the external stakeholders within their community. Additionally, in order to better develop a common understanding of what each stakeholder's respective role and responsibility should be regarding child welfare in Georgia DFCS should be providing training to external stakeholders on a regular basis and participating in other multi-disciplinary activities within the community. Further information on building collaborative partnerships with community stakeholders may be found at <https://www.childwelfare.gov/pubs/usermanuals/partners/>

## **FORMS AND TOOLS**

[Georgia Statute: O.C.G.A. §19-7-5 Reporting of Child Abuse and Neglect](#)  
[Mandated Reporter Letter](#)  
[Maltreatment Codes](#)