

Refusal to TAKE a Report

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... One problem that has arisen for mandated reporters of child abuse is the occasional refusal or failure (due to unavailability) of the local child protective services agency (or the police or sheriff) to take a telephone report of child abuse from the mandated reporter. This problem would typically occur in a state that requires both a telephone report and a written report. California is such a state, and practitioners there have been met with the problem of refusals or unavailability when they call to report the suspected abuse.

There are many situations that can arise where there can be some ambiguity as to whether a report should or must be made. Therapists and counselors want to protect themselves in these situations so that they can demonstrate that they did what the law required – reported by telephone and in writing. When the child protective services representative says that a report is not warranted and that he or she will not take the telephone report, or advises that a written report should not be made, the mandated reporter is often confused as to what should be done. More common than the above scenario is the situation where the reporting practitioner is unable to complete the call because the line is busy, because the practitioner is kept on hold for an inordinate period of time, or because the phone is answered with a recorded message.

Several years ago, the California Association of Marriage and Family Therapists (CAMFT) successfully sponsored a bill that addressed the problem. The child abuse reporting law now provides that if a mandated reporter is unable to submit an initial report by telephone (after making reasonable efforts), he or she must immediately or as soon as practically possible, by fax or electronic transmission, make a one-time automated written report, and must also be available to respond to a telephone followup call from the agency with which he or she filed the report. Under these circumstances, a written followup report would not be required. Are you aware of a similar problem in your state? If practitioners are required to report, it ought to be easy to do so!

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