Child Abuse and Neglect Reporting

While everyone should be concerned about child abuse and neglect, certain individuals are required by law to report suspected instances. In 2012, the Virginia General Assembly (SB 239) added **“any person employed by a public or private institution of higher education”** to the list of “mandated reporters” set out in §63.2-1509 of the Code of Virginia. Mandated reporters, including all UMW faculty and staff, are those persons who, in their professional or official capacity, are required to report instances of suspected child abuse and neglect to the local Social Services Department or to the Department of Social Services (DSS) Toll-free child abuse and neglect hotline **1-800-552-7096**.

**What is an abused or neglected child?**

The [Code of Virginia §63.2-100](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-100) defines an abused or neglected child as any child under 18 years of age whose parent or any person responsible for his or her care:

* Causes or threatens to cause a non-accidental physical or mental injury;
* Has a child present during the manufacture of a controlled substance or during the unlawful sale of such substance where such activity would constitute a felony violation;
* Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care;
* Abandons the child;
* Neglects or refuses to provide adequate supervision in relation to a child’s age and level of development;
* Knowingly leaves a child alone in the same dwelling with a person, not related by blood or marriage, who has been convicted of an offense against a minor for which registration is required as a violent sexual offender; or
* Commits or allows to be committed any illegal sexual act upon a child, including incest, rape, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material.

**When should UMW employees call the local DSS office or state-wide toll-free child abuse and neglect hotline (1-800-552-7096)?**

Employees should call DSS or the hotline whenever they believe that a person who is caring for a child, who lives with a child, or who works with and around children has caused injury or harm or put the child at risk of physical injury as defined in the Code of Virginia. Some examples include:

* If you see someone hitting a child with an object.
* If you see marks on a child’s body that do not appear to have been caused by an accident.
* If a child tells you that he or she has been harmed by someone.
* If a child appears to have been left alone, dressed inappropriately for the weather, or appears to be undernourished.

**Where should UMW employees report suspected child abuse or neglect?**

Any UMW employee who, in their official or professional capacity, has reason to suspect that a child is an abused or neglected child, is required to report the matter as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect. Employees can report by:

* Contacting the Fredericksburg Department of Social Services (540-372-1032).
* Contacting the Department of Social Service’s state-wide toll-free child abuse and neglect hotline (1.800.552.7096).
* Contacting University Police (654-4444).

Employees can notify their supervisor or other University administrators in addition to reporting to one of the two agencies above.

**What legal protections do UMW employees have when making reports?**

Any person making a report or providing records or information pursuant to §63.2-1509, or who testifies in any judicial proceeding arising from such reports or information, is immune from civil or criminal liability, unless such person acts in bad faith or with malicious purpose.

**What are the penalties for failing to make a required report?**

Any person required to make a report and who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, may be fined not more than $500 for the first failure, and not less than $1000 for subsequent failures. Persons who knowingly and intentionally fail to make reports in cases involving rape, sodomy, or object sexual penetration, may be guilty of a Class 1 misdemeanor. Failure to report may also result in University disciplinary action.

**What resources or other materials are available to help UMW employees understand their legal obligation to report child abuse or neglect?**

* [A Guide For Mandated Reporters in Recognizing and Reporting Child Abuse and Neglect.](http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/mandated_reporters/resources_guidance/booklet.pdf) Commonwealth of Virginia, Department of Social Services, Child Protective Services
* [Mandated Reporter Overview & Resources](http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/mandated_reporters/resources_guidance/overview_resources.pdf) (PDF) Virginia Child Protective Services
* [Mandated Reporters: Recognizing and Reporting Child Abuse and Neglect.](http://www.dss.virginia.gov/family/cps/mandated_reporters/cws5692/CWS5692%206.21.12.htm) On-line training for mandated reporters developed and hosted by Virginia Department of Social Services.
* [Code of Virginia § 63.2-1509.](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1509) Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

**Questions about child abuse or neglect reporting? Contact the Office of Human Resources at 654-2051.**