

# Mandated Reporters of Child Abuse and Neglect Frequently Asked Questions

## What if I am not sure that child abuse or neglect has occurred?

A mandated reporter is not an investigator. A mandated reporter is required to make a report if he or she has a reason to believe that a child may be or has been abused or neglected. S.C. Code § 63-7-310.

## How do I determine when information is gained in my "professional capacity"?

The South Carolina Attorney General's Office has issued an opinion stating that "[I]n regards to ... what constitutes receipt of information gained while in one's 'professional capacity,' a determination must be made on a case-by-case basis...this Office believes a court would likely determine that [the law] does not distinguish physical location as the test but whether the [mandated reporter] is working within the scope of their employment." Op. S.C. Att'y Gen., 2016 WL 386063 (January 11, 2016).

## If a mandated reporter believes a report has already been made, is there still a requirement to report?

Mandated reporters are individually responsible for reporting suspected abuse or neglect when learned of in their professional capacity. The mandated reporter's obligation has not been fulfilled until he or she has made a report. See S.C. Code § 63-7-310.

## What is the time frame for reporting?

Although state law does not specify a time frame, it is best to make a report as soon as reasonably possible in order to protect the child. If a mandated reporter fails to report when required, that person is guilty of a misdemeanor and upon conviction, may be fined up to \$500 or imprisoned up to 6 months, or both. S.C. Code § 63-7-410.

## Do I need to report to both DSS and law enforcement?

South Carolina law allows mandated reporters to report to either DSS or law enforcement in the county where the child resides or is found. If a mandated reporter believes the act or omission that would be child abuse or neglect was committed by a person other than the parent or other person responsible for the child's welfare, the reporter must make a report to law enforcement. S.C. Code § 63-7-310(B),(E).

## Are mandated reporters required to report when they learn of the abuse from someone else?

Yes, if they have a reason to believe the child may be or has been abused or neglected, they must report. The victim does not have to be the one that discloses the abuse, and second-hand information needs to be reported. S.C. Code § 63-7-310.

## If I am wrong, can I be sued?

Mandated reporters are protected from civil and criminal liability provided they have acted in good faith in reporting suspected abuse and neglect. S.C. Code § 63-7-390.

## Will my identity remain confidential?

The identity of the person making a report of suspected child abuse or neglect cannot be disclosed; however, DSS and law enforcement are allowed to share the reporter's identity with one another as needed. S.C. Code § 63-7-330.

## Additional Information

For a detailed overview of mandated reporter requirements, see the Mandated Reporter Guide found on the Children's Law Center website at <http://childlaw.sc.edu>. To request a free training on mandated reporting, call 803-777-1646.