Duties and Responsibilities Regarding Child Abuse

Due to recent scandals at a couple of well-known universities, suspected child abuse is on the minds of adults who work with young people. Educators, in particular, should be aware of their professional responsibilities when dealing with these situations. At the very least, there may be serious legal and ethical ramifications if suspected child abuse is not handled in an appropriate manner.

Georgia law places a duty on certain individuals and institutions to report known or suspected child abuse. Child abuse, as defined by Georgia law, is any physical injury or death inflicted upon a child (any person under 18 years of age) by a parent or caretaker other than by accidental means; neglect or exploitation of a child by a parent or caretaker; or the sexual abuse or exploitation of a child. Several categories of educators, including teachers, administrators, guidance counselors, social workers, school psychologists and other child-counseling personnel, are considered mandated reporters (personnel who regularly interact with children and are legally obligated to report suspected child abuse). If a mandated reporter has a reasonable belief that a child is the victim of abuse, she must report or cause reports of the suspected abuse to be made. For school staff members, the report must be made to the principal or his designee. For specific information on exactly who a mandated reporter employed by a Georgia school system must report suspected child abuse to, check the local board policy manual.

Once a report of suspected child abuse is made, the person who received the report is prohibited from controlling, restraining, modifying or making any other changes to the information provided by the reporter. While the person who received the report may provide any additional relevant information, he or she may not remove anything from it. Furthermore, if a mandated reporter has reason to believe that a child is the victim of abuse, the reporter must make an oral report no later than 24 hours from the time the suspicion arose, followed by a written report if requested. As soon as a mandated reporter has reasonable cause to believe a child has been abused, he or she must move expeditiously to report her suspicions to the appropriate person.

If a mandated reporter knew, should have known, or should have suspected that a child was abused but did not report it, the reporter may face severe penalties. The mandated reporter may be charged with a misdemeanor under O.C.G.A. § 19-7-5. The educator who is a mandated reporter could also be disciplined by his or her school system, including, but not limited to, termination. He or she may also be reported to and placed under investigation by the Georgia Professional Standards Commission for a violation of Standard 9 [Failure to Make a Required Report] of the Code of Ethics for Educators or any other professional licensing agency for a breach of ethical or professional duties. The mandated reporter who fails to report suspected child abuse could also be named as a defendant in a civil lawsuit. As one can see, inaction by a mandated reporter not only puts the child in jeopardy, but the reporter as well.

The primary responsibility of the mandated reporter is to report his or her concerns to the designated person as prescribed by state law or local policy. While it may not be legally required, the mandated reporter may also want to follow up with the person to whom he or she made the report to ensure that the appropriate law-enforcement agency is notified. The mandated reporter who makes a report in good faith is protected by law, even if his or her suspicions later turn out to be unsubstantiated by further inquiry. It is not the mandated reporter’s role to be an investigator.

The Georgia Division of Family and Children Services, as well as law enforcement, have the responsibility for the investigation and verification of child abuse.

It has been reported that the Georgia General Assembly is considering changes to the mandated reporter statute. If you have any questions or would like to stay current on any modifications to the law, please contact the PAGE Legal Department or check our legislative listserv.