



Victim Rights Law Center

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Mandatory Reporting for Advocates: A Checklist of Considerations

- Know the federal, state and tribal laws that govern mandatory reporting in your jurisdiction.
- Develop a program-wide policy re: mandatory reporting the abuse of a child or an “at-risk” adult. You may also want to engage your local child protective and adult protective services workers so that they understand what your policies are (and why).
- Know who you have on staff and what their reporting obligations are, if any.
- Have program protocols regarding:
 - Who has access to client information;
 - What information should be kept in written form;
 - Where that information will be kept and how it will be secured;
 - How often, how and by whom paper and electronic records are purged.
- Periodically review policies that govern what information is in program records to ensure that they are current and in compliance with state and federal law.
- Disclose your reporting obligations to the victim and discuss them together *before* the victim makes disclosures. Sharing this information with the victim is a necessary element of “informed” consent.
- Provide periodic training for staff and volunteers that are appropriate to their obligations (staff and volunteer obligations may differ). Make sure all staff and volunteers understand the program’s policy and all legal obligations, including what information must – and may not – be disclosed.
- Keep in mind that the survivors you serve may be familiar with the mandatory reporting laws in some other jurisdiction. Don’t assume that the survivor is familiar with your policies and obligations. If you’re serving survivors across borders, be informed how this might impact a survivor’s privacy rights.
- If information must be reported subject to a provider’s mandatory reporting obligations, abide by the VAWA requirements that the provider make reasonable attempts to notify the victim of the required disclosure, and take the steps necessary to protect the privacy and safety of the persons affected by the release of information.
- Remember that under the Violence Against Women Act (VAWA), at least one of the following conditions must be met for you to release a victim’s personally identifying or confidential information:
 - With a signed, written, release executed with the victim’s informed consent
 - Required by court mandate
 - Required by statute