

## WHO IS A MANDATED REPORTER?

NY – Director and Registered Nurse

NJ – Director and all staff

PA – Director and all staff



## WHAT IS REPORTABLE?

Whenever a Mandated Reporter has “reasonable cause,” meaning if he or she sees, hears or otherwise reasonably suspects (including learning of it through hearsay) the following:

NY

- **Abuse**, which is defined as the infliction or creating the risk of “serious injury,” with serious injury being defined as an injury which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ (or allowing another person to do so), or commission of a sex offense against a child.
- **Maltreatment**, defined as -- when a parent or other person legally responsible for the care of a child harms a child, or places a child in imminent danger of harm by failing to exercise the minimum degree of care in providing the child with any of the following: food, clothing, shelter, education or medical care when financially able to do so. Maltreatment can also result from abandonment of a child or from not providing adequate supervision for the child. Further, a child may be maltreated if a parent engages in excessive use of drugs or alcohol such that it interferes with their ability to adequately supervise the child.

NJ

- **Abuse**, defined as when someone:
  - Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
  - Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or
  - Commits or allows to be committed an act of sexual abuse against the child;
  - Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, or such other person having his custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or by any act of a similarly serious nature requiring the aid of the court;
  - Or a child who has been willfully abandoned by his parent or guardian, or such other person having his custody and control.

PA

- **Abuse**, defined simply as the commission of any crime, including a summary offense, against a minor.

## WHO MUST INFLICT THE ABUSE IN ORDER TO MAKE IT REPORTABLE?

NY – a “caregiver,” meaning a parent or other person legally responsible for the child’s care.

NJ – “parent, guardian, or other person having his custody and control over the child.”

PA – Anyone age ten or over regardless of the relationship between them.

## Allowable Corporal Punishment - WHEN IS PARENTAL ACTION **NOT** ABUSE?

NY – Use of non-deadly force permissible when parent “reasonably believes” it is necessary for maintaining discipline or promoting the child’s welfare.

NJ – Use of non-deadly force permissible unless force is “excessive,” which in effect adopts the definition of abuse defined above (inflicts, allows to be inflicted or creates risk of physical injury to child by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ).

PA – Use of non-deadly force that is not designed or known to cause substantial risk of death, serious bodily injury, disfigurement, extreme pain, mental distress or gross degradation.

## PENALTIES FOR OBSTRUCTION OF JUSTICE:

NY – Class A Misdemeanor (up to one year in jail and/or \$1000 fine)

NJ – Summary Offense (up six months in jail and/or \$1000 fine)

PA – Third Degree Misdemeanor (up to one year in jail and/or \$2500 fine)