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TO: County Employees
FROM: James C. Backstrom, County Attorney *JCB*
RE: Voluntary Reports of Child Abuse or Neglect

August 15, 2011

[This memorandum was previously issued in 2003, 2006 and 2008 and is being re-issued with no modifications from 2008.]

In order to protect children from physical abuse, neglect, or sexual abuse from the people responsible for their care, the Minnesota legislature encourages people from all walks of life to voluntarily report suspected incidents of physical abuse, neglect or sexual abuse to the proper authorities. A person who makes such a voluntary report is immune from civil or criminal liability for making the report, as long as it was made in good faith.¹

What is physical abuse, neglect, or sexual abuse of a child?

Physical abuse is physical injury that is non-accidental or that cannot be explained by what the parents or other caretakers say about how the injury happened. Neglect is the failure to provide for the child's basic or medical needs, including adequate supervision, or the failure to protect the child from harmful conditions. It includes medical neglect and prenatal exposure to controlled substances for non-medical purposes. It also includes mental injury, which is an injury to the child's psychological capacity or emotional stability. Sexual abuse means that the child has been subjected to or threatened with the criminal sexual conduct as defined by Minnesota law, and includes violations of prostitution and pornography statutes.

Which situations of physical abuse, neglect, or sexual abuse of a child should be reported?

The abuse should be reported if it has been carried out by a person responsible for the child's care. This could include parents, other family members who care for the child, the child's teacher or day-care provider, babysitters, playground monitors, coaches, clergy or any person who has assumed responsibility for the child's care.

To whom should a report be made?

A voluntary report may be made to the child protection agency of the county, the police department, or the sheriff's department where the abuse or neglect is believed to have occurred. In Dakota County reports may be made to the Dakota County Social Services Department at 952-891-7459. The name of the person making the report is kept confidential.

When should a report be made?

A person may report based upon personal observation of the abuse or neglect or upon information received from other persons who have observed the abuse or neglect: Reports should be made as soon as possible.

The Dakota County Attorney encourages all Dakota County employees to voluntarily report child physical abuse, neglect, or sexual abuse whenever it comes to their attention, whether they learn of the abuse or neglect while on the job or off duty.

County employees are also encouraged to report any other crime they may observe to the nearest law enforcement agency. The name of the reporter, however, (other than those reporting child abuse or maltreatment of a vulnerable adult) in most instances is public.

¹ Some persons are required by law to make these reports. They are known as "mandated reporters." They have the same immunity as voluntary reporters.