



*Changing with the tides in harmony with our people, land and heritage."*

## **Mandatory Reporting**

All Qutekcak Native Tribe (QNT) employees are mandated by State and Federal Law to immediately report any suspected or actual incidence of harm, either directly to the State of Alaska Division of Protective Services, or to their supervisor for organizational reporting.

**To understand your role as a mandatory reporter, it is necessary to know who is mandated to report, as well as to understand any protocol QNT has in place.**

**Persons who make reports in good faith are immune from liability and protected by law from retaliation.**

### **Who is Required to Report?**

- Physicians or other licensed health care providers
- Mental health professionals, including licensed marital and family therapists.
- Pharmacists
- Nursing home, residential care, and health care facility administrators
- Guardians and conservators
- Police officers
- Village public safety officers
- Village health aides
- Social workers
- Members of the clergy
- Employees of service grant agencies funded by Department of Administration for the provision of services to older Alaskans, the Department of Health and Social Services, the Council on Domestic Violence and Sexual Assault, and the Indian Health Service.
- Any person *may* report

Critical incident reporting involves circumstances that may occur any place in the community. Incident reporting must occur within 24 hours of, or 1 business day after observing or learning of an incident. These incidences include, but are not limited to:

- ✓ Safety concerns
- ✓ Missing person, when a law enforcement agency is notified
- ✓ Recipient behavior that results in harm to self or others, requiring attention beyond the services specified in the current service plan
- ✓ Medical events
- ✓ Death
- ✓ Accident or incident,
- ✓ Law enforcement issues
- ✓ Sexual assault



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***What Constitutes Abuse/Neglect as defined in Alaska statute 47.17.010, et seq.***

Physical injury or neglect, mental injury (injury to emotional well-being or intellectual or psychological capacity of a child or vulnerable adult as evidenced by an observable and substantial impairment on that person's ability to function); sexual abuse/exploitation, maltreatment

**STATE CATEGORIES OF MANDATED REPORTERS**

*State law (47.17.020) requires that the following people are mandated to report child abuse:* Practitioners of the healing arts, Administrative officers of institutions, including public and private hospitals or other facilities for medical diagnosis, treatment or care, paid employees of domestic violence and sexual assault prevention programs and/or crisis intervention and prevention programs. Paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol. School teachers, school administrative staff members (public and private schools). Peace officers and officers of the state Department of Corrections Childcare providers, including foster parents, day care providers and paid staff.

**TRIBAL CATEGORIES OF MANDATED REPORTERS**

In addition to the ALASKA STATE LAW for mandatory reporters, tribes have additional categories of mandated reporters. Tribal concerns are addressed in Federal Law (25 USC 3202, 18 USC 1169) Federal law requires that Tribes and Tribal organizations that receive federal funding and individuals who provide services to children in Tribal communities include some additional categories of mandatory reporters: Bus drivers employed by any tribal, federal, public or private school.

Truancy officer employed by any tribal, federal, public or private school.

Federal law states generally that individuals who have a legal or other responsibility for an Indian child's welfare\* through an Indian tribe or organization, tribal consortium, or on tribal lands, including village corporations, lands held by incorporated Native groups, or regional corporations, and reservations, are also mandated reporters.

[\*Some tribes have interpreted this to mean that other mandated reporters included in the phrase "with authority or responsibility for an Indian Child's welfare" includes tribal leaders, religious leaders and other adults that children would be most likely to assume were responsible for their welfare and safety. As sovereigns, tribes may establish tribal law that is more inclusive than these minimum standards under federal law. ]

- **What Must be Reported to APS or OCS?**

Any incident in which a child or vulnerable adult suffers harm from abandonment, abuse, exploitation, neglect or self-neglect.

- **To Whom Should Reports be Made?**

Reports should be made within 24 hours. Reports can be made to local law enforcement agencies .Local law enforcement agencies are mandated to investigate and take appropriate action to protect children and vulnerable adults.



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- **Is there Immunity from Liability?**

Persons who make reports in good faith are immune from liability and protected by law from retaliation.

- **How is Confidentiality Protected?**

Investigatory reports and reports of the abandonment, abuse, exploitation, neglect or self-neglect of a child or vulnerable adult are confidential and are not subject to public inspection and copying. Investigative reports may be used by appropriate agencies or individuals inside and outside the state in connection with investigations or judicial proceedings involving the abandonment, abuse, exploitation, neglect or self-neglect of a vulnerable adult. Individuals who report abandonment, abuse, exploitation, neglect or self-neglect of a child or vulnerable adult may remain anonymous.

- **Penalty for Failure to Report.**

A person who fails to comply with the provisions of Alaska Statue 47.17.020 or Alaska Statue 47.17.023 and who knew or should have known that the circumstances gave rise to the need for a report, is guilty of a class B misdemeanor.