



# Frequently Asked Questions (FAQ) for ICE ERO:

## *UNDERSTANDING YOUR OBLIGATIONS FOR MANDATED REPORTING OF CHILD ABUSE AND NEGLECT*

In furtherance of ICE Policy 11064.3: Interests of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults (Jul. 14, 2022), and ICE Policy 11005.3: Using a Victim-Centered Approach with Noncitizen Crime Victims (sharepoint.com) this fact sheet serves to provide awareness about your responsibilities for mandated reporting of child abuse. The trainings mentioned in this tool are not required but may assist you with meeting your obligations.

### WHO must report?

Under Federal<sup>1</sup> and State<sup>2</sup> law, law enforcement officers are mandated reporters of child abuse and neglect.

### WHAT must be reported?

When an individual has knowledge of, suspects, or has reason to believe that a child has been abused or neglected or observes a child being subjected to conditions that would reasonably result in harm to the child.<sup>3</sup> (You do not necessarily need to be someone who witnesses child abuse or neglect, instead the focus is on your knowledge, suspicion, or reason to believe).

Every state has their own definition of child abuse and neglect (“CAN”), you can look up your state’s definition in this U.S. Department of Health & Human Services (HHS) resource [here](#).

Under federal law (34 U.S.C. § 20341(c)(1)) “child abuse” is defined as the “physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.” This statute also includes explanations of these terms. 34 U.S.C. § 20341(c)(2-8).

### WHEN must it be reported?

Usually within 24 hours<sup>4</sup> or as soon as possible after becoming aware of suspected or possible CAN incident(s) or conditions of neglect or endangerment (e.g., failure to send a child to school or lack of adequate supervision, food, clothing, shelter, or medical care.). Reporters do not need to have firsthand knowledge of the allegation to make a report.

### HOW do I report it?

If you suspect abuse or neglect of a child, check with your supervisor and/or legal counsel regarding local policy for reporting the abuse.

- HHS has a list of all 50 state hotlines for mandatory reporting [here](#). (This is also available through the ERO Parental Interests Resource Center on InSight).

### WHAT additional information is available?



A full list of available trainings<sup>5</sup> in your state can be found through this [HHS resource](#). For states or territories not included on this list, visit the [Child Welfare Information on InSight](#).

A full list of resources is available on the [ERO Parental Interests Resource Center on InSight](#).

<sup>1</sup> 34 U.S.C. § 20341(a) & (b)(6).

<sup>2</sup> 47 states enumerate peace/law enforcement officers; 3 states require everyone to report, see e.g., <https://www.childwelfare.gov/pubPDFs/manda.pdf>

<sup>3</sup> See e.g., 34 U.S.C. § 20341; Ark. Code Ann. § 12-18-402; Cal. Penal Code §11166; Texas Fam. Code §261.101.

<sup>4</sup> See e.g., 34 U.S.C. § 20341(c)(12).

<sup>5</sup> 34 U.S.C. § 20341(h) requires that all covered professionals and covered individuals receive periodic training in the obligation to report, as well as in the identification of abused and neglected children.