

Confidentiality and Mandated Reporting Best Practices

Both Employees and Managers Should:

- Understand the statutory rules around mandated reporting in California
- Know the federal confidentiality laws restricting disclosure of information
- Implement consistent practices to provide survivor-centered services

DV Programs should:

- Affirmatively evaluate, position by position, whether employees are or are not mandated reporters;
 - ✓ Does employee fall within one of the specified CANRA mandated reporter categories?
 - ✓ Does employee have “duties” that “require” “direct contact AND supervision of children”?
 - ✓ Ensure mandated reporters understand the *reporting duty is individual*, and no supervisor can prevent or inhibit the making of a mandated report
- Institute standard disclosure policy & ensure compliance with existing and new staff;
 - ✓ Disclosure must be utilized each and every time
 - ✓ Program must inform clients of mandated reporting law
 - ✓ Program must make it clear which employees are mandated & which are not
- Ensure employees who are mandated reporters receive training
 - ✓ Training should include what must be reported
 - ✓ Training should include likely outcomes of a mandated report; what may or may not happen; what officials are likely to be involved
 - ✓ Training should include how best to prepare a client for the making of a report and how to advocate for and support a client after a report is made
- Ensure mandated reporters understand that making a non-mandated report will violate VAWA/VOCA and may violate FVPSA
 - ✓ Ensure mandated reporters sign employer-provided mandated reporter statement
 - ✓ Ensure employees and volunteers who are **not** mandated reporters do **not** sign the employer-provided mandated reporter statement
 - ✓ Ensure employees and volunteers who are not mandated reporters receive explicit directives & information from management that they are *not* mandated reporters
- Ensure employees and volunteers who are not mandated reporters be informed of the confidentiality and privacy requirements under VAWA/VOCA/FVPSA federal laws
 - ✓ Making a report will violate VAWA/VOCA, possibly FVPSA, confidentiality