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CENTER FOR THE PREVENTION OF CHILD MALTREATMENT



**Reporting Child Maltreatment in South Dakota:
A guide for mandatory and permissive reporters.**

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REPORTING CHILD MALTREATMENT

Reporting child abuse and maltreatment is essential in protecting children. In South Dakota, anyone can make a report. Mandatory reporters are required by law to make a report of suspected abuse. Everyone shares the responsibility to help our children and families stay safe.

REPORTERS

MANDATORY REPORTER

In South Dakota, a mandatory reporter is a person or entity legally required to report suspected child abuse if they have **reasonable suspicion** that a minor under the age of 18 is being harmed or neglected. [SDCL § 26-8A-3](#). This includes reporting situations in which the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. Mandatory reporters are required to report the facts and circumstances that led them to suspect that a child has been abused or neglected. They do not have the burden of providing proof that abuse or neglect has occurred.

Multiple professions are listed in South Dakota statute as mandatory reporters. Mandatory reporters include the following:

Physicians	Dentists & Hygienists	Osteopaths
Chiropractors	Optometrists	Emergency Medical Technicians
Paramedics	Mental health professional or counselor	Podiatrists
Psychologist	Religious healing practitioner	Social Worker
Hospital intern	Hospital resident	Parole Officer
Court Services Officer	Law Enforcement Officer	Nurse
Teacher	School Counselor	School Official
Employee or volunteer of a child advocacy organization or child welfare service provider	Licensed or Registered Child Welfare Provider	Employee or volunteer of a domestic abuse shelter
Any safety-sensitive position (as Defined in SDCL 3-6c-1)	Chemical Dependency Counselor	Coroner

PERMISSIVE REPORTER

South Dakota law allows for any person who knows or has reason to suspect that a child has been abused or neglected to report the information. This is called permissive reporting. Permissive reporters follow the same standards when electing to make a report. Permissive reporters can make a report at any time they suspect a child is the victim of child abuse. Permissive reporters may report anonymously. See [SDCL §§ 26-8A-3 & 8](#).

WHAT IS REASONABLE SUSPICION

Reasonable cause to suspect child abuse or maltreatment means that, based on your rational observations, professional training and experience, you have a suspicion that the parent or other person legally responsible for a child, or another adult, is responsible for harming that child or placing that child in imminent danger of harm. Your suspicion can be as simple as distrusting an explanation for an injury.

HOW TO MAKE A REPORT

REPORTS TO CPS, LAW ENFORCEMENT OR STATE'S ATTORNEY

If the child is in immediate danger, call 911 or your local law enforcement.

The Department of Social Services (DSS), Child Protective Services (CPS), manages a centralized Child Abuse Reporting Hotline for South Dakota. Trained specialists are available from 8 a.m. to 5 p.m., Monday through Friday, to receive referrals of suspected child abuse. The best practice is to call the Child Abuse Reporting Hotline.

**Report Child Abuse or Neglect
1.877.244.0864.**

You can also make reports to law enforcement and local state's attorneys. If you are calling after business hours or if the child is in immediate danger, call law enforcement. Law enforcement, state's attorneys, and CPS are instructed to "cross-report" or to notify each other of the report.

The timeliness of your call is vital to the timeliness of intervention by the local CPS unit or law enforcement. You are not required to notify the parents or other persons legally responsible before or after your call.

CONTENT OF A REPORT

When making a report of suspected child abuse or general child well-being concerns, it is important to provide as much information as possible. The below list will give you a general idea of what information a trained specialist will ask you for:

- Name and physical description of the child, including age or age range of child
- Name, home address, and telephone number of legal guardian or parent of the child
- Name or physical description of suspected child abuse perpetrator
- Home address and telephone number of suspected child abuse perpetrator
- Suspected perpetrator's relationship to the child
- Description of the suspected injury and any concern for the child's immediate safety
- Where the incident took place
- Your relationship to the child
- Your contact information, although you may report anonymously if you are a permissive reporter

CONFIDENTIALITY OF THE REPORT

The reports are confidential. If you are a mandatory reporter, the person reporting must be available to answer questions when the initial report is made. This means the person who witnesses the abuse or with the reasonable suspicion of child abuse or neglect must be able to answer questions to the investigator; an agency or supervisor cannot shield the mandatory reporter from talking to the investigator. [SDCL § 26-8A-8](#).

GOOD FAITH REPORTING

Any person or party participating in good faith in the making of a report of child abuse is immune from any civil or criminal liability for the report and has the same immunity for participation in any judicial proceeding resulting from the report. [SDCL § 26-8A-14](#).

Medical professionals or other professionals who in good faith are involved with the submitting of copies of medical examination, treatment, or hospitalization records pursuant to SDCL §§ [26-8A-3](#) to [26-8A-8](#) for reporting purposes have immunity. Immunity also extends in the same manner to persons requesting the taking of photographs and X rays pursuant to SDCL § [26-8A-16](#), persons taking the photographs and X rays, child protection teams established by the secretary of social services, public officials or employees involved in the investigation and treatment of child abuse or neglect or making a temporary placement of the child pursuant to this chapter, or any person who in good faith cooperates with a child protection team or DSS in investigation, placement, or a treatment plan. [SDCL § 26-8A-14](#).

The provisions granting or allowing the grant of immunity do not extend to any person alleged to have committed an act or acts of child abuse or neglect. [SDCL § 26-8A-14](#).

PENALTIES FOR NOT REPORTING

Any Mandatory Reporter who intentionally fails to make the required report is guilty of a Class 1 misdemeanor. [SDCL § 26-8A-3](#).

WHAT HAPPENS AFTER THE REPORT IS MADE

SD law requires that once a report is made, DSS or law enforcement officers shall investigate. [SDCL § 26-8A-8](#). Which agency investigates depends on the nature of the allegation as well as the alleged perpetrator. Usually, DSS investigates allegations of abuse, maltreatment and neglect if the perpetrator is a parent, guardian, or caretaker. If the allegation rises to the level of a crime or if the perpetrator is someone other than a parent, guardian, or caretaker, law enforcement investigates. Both the law and best practices encourage law enforcement and DSS to work together through the investigation.

LOCAL CPS ROLE AND RESPONSIBILITIES

When a report of abuse and neglect is assigned, CPS completes an initial family assessment. An initial family assessment is a neutral approach to gathering information about the report. Information is gathered through interviews, observations and reviewing documents. If it is determined the child is unsafe or there are impending threats of harm, a Family Services Specialist will work jointly with the parents on a plan to improve the situation. Normally, a child would not be removed from the home. However, when a child is in present danger, a judge may order removal of the child from the situation or a law enforcement officer may take protective custody. CPS does not have authority to remove a child from the situation. Rather, CPS partners with law enforcement to remove the child if necessary. [SDCL § 26-8A-8](#).

LAW ENFORCEMENT REFERRALS

If a call to CPS provides information about an immediate threat to a child or a crime committed against a child, but the perpetrator is not a parent or other person legally responsible for the child, the CPS staff will make a Law Enforcement Referral (LER). The relevant information will be recorded and transmitted to law enforcement. Law enforcement will then investigate pursuant to relevant policies and procedures.

NOTIFICATION OF INVESTIGATION FOR THE REPORTING PARTY

The person receiving a report alleging child abuse or neglect shall ask whether or not the reporting party desires a response report. If requested by the reporting person, DSS or the concerned law enforcement officer shall issue within thirty days, a written acknowledgment of receipt of the report and a response stating whether or not the report will be investigated. [SDCL § 26-8A-8](#).

The reporting party often will not receive information on the results of the investigation. This is to protect the privacy of the victim and the family. Normally, a child would not be removed from the home. Treatment services are provided to strengthen and preserve families and protect children. Services are available to families in which children are determined to be unsafe because of abuse or neglect. Support services include training for families in parenting skills and home management and referrals for counseling and other assistance.

FREQUENTLY ASKED QUESTIONS

DSS provides information on frequently asked questions regarding reporting of child abuse in SD. Visit the DSS website [here](#) to view the frequently asked questions.

EXAMPLE BEST PRACTICES FOR PUBLIC TRANSIT

WRITTEN POLICIES

Public transportation employees are not mandatory reporters in South Dakota unless they also qualify as one of the professionals listed in [SDCL § 26-8A-3](#). South Dakota allows permissive reporting and any person who reasonably suspects child abuse may report the suspicion. Agencies and organizations are encouraged to adopt written child abuse reporting policies for staff, employees, and volunteers. The written policies should be readily available for all parties associated with the agency or organization. The policies should align with state statutes for mandatory reporters and include any additional information as required by the agency's licensing authority or ethical requirements. The agency or organization should consult with their attorney and respected advisory boards (if applicable) when adopting written child abuse reporting policies.

EXAMPLE POLICY LANGUAGE

Any person who has contact with a child through the performance of services as a member or staff of public transportation *[or list organization's services]* shall notify the person in charge of the institution or their designee of the suspected abuse or neglect. The person in charge of their designee shall report the information in accordance with the provisions of [SDCL § 26-8A-8](#). The reporter and the person in charge shall complete a written report* in the form prescribed by the institution. The written report shall note the date of the report to the appropriate authorities, the basis of the report, and the contact information for the reporter. The written report is for internal verification and should be kept with the institution.

All individuals subject to child abuse reporting requirements shall complete training on their reporting obligations. Training should occur at least once every three years. However, best practice is to encourage staff to take training each year to keep up with changes in regulations and learn and share ideas and concerns. Public transportation organizations should consider including reference to reporting and training requirements in any contract with third-party transportation providers.

Any person or party participating in good faith in the making of a report of child abuse is immune from any civil or criminal liability for the report and has the same immunity for participation in any judicial proceeding resulting from the report. [SDCL § 26-8A-14](#).

** An example of reporting form requirements is found at the bottom of this publication.*

ADDITIONAL RESOURCES

DEPARTMENT OF SOCIAL SERVICES, CHILD PROTECTIVE SERVICES

The Department of Social Services (DSS) serves as the central registry for reports of child abuse and neglect. The DSS website contains multiple resources for mandatory and permissive reporters of child abuse. Visit the SD DSS website at www.dss.sd.gov.

[DSS Protective Services Information](#)

[Mandatory Reporting Informational Pamphlet](#)

[DSS Frequently Asked Questions](#)

[DSS Video Training for Mandatory Reporters](#)

CENTER FOR THE PREVENTION OF CHILD MALTREATMENT

The Center for the Prevention of Child Maltreatment (CPCM) focuses on delivering education, outreach, and research geared toward eliminating child sexual abuse and maltreatment in South Dakota. Training and program information can be found on the CPCM website at www.sdcpm.com.

NATIONAL RESOURCES

[Child Welfare League of America: Mandatory Reporters of Child Abuse and Neglect](#)

[State Training Resources for Mandatory Reporters of Child Abuse and Neglect](#)

[Prevent Child Abuse America](#)

[Zero Abuse Project](#)

REPORTER EDUCATION OPPORTUNITIES

The SD DSS oversees training for mandated reporters. DSS offers a one-hour, online training course, which is available 24/7 and is accessible on the [DSS website](#). There is no cost to the participant. A certificate is available to print after the course is completed.

Other agencies, including the Center for the Prevention of Child Maltreatment, provide additional training on techniques to know about, respond to, and prevent child maltreatment. Visit www.SDCPCM.com to learn more.

SIGNS OF CHILD ABUSE AND NEGLECT

Child abuse and neglect occurs when a child is mistreated, resulting in injury or risk of harm. Types of child abuse and neglect are identified within four categories. The definitions include a brief summary of indicators to explain the definition. None of the indicators alone are definitive of child abuse. It is necessary to look at the family's total functioning to determine present and impending danger.

This information is provided by the [SD Department of Social Services](#). See also [26-8A-2](#).

PHYSICAL ABUSE

Physical abuse refers to an action of the parent, guardian or custodian that is non-accidental and results in physical injuries, often occurring in the name of discipline or punishment.

BRUISES AND WELTS

- On face, lips, mouth
- On torso, back, buttocks, thighs
- In various stages of healing
- Clustered, forming regular pattern
- Reflecting shape of article used to inflict; electric cord or belt buckle
- On several different surface areas; regularly appear after absence, weekend or vacation
- Subdural hemorrhage or hematomas
- internal injuries
- brain damage

BURNS

- Cigar, cigarette burns, especially on soles, palms, back or buttocks
- Immersion burns; sock-like, glove-like, doughnut shaped on buttocks or genitalia, patterned like electric burner, iron
- Rope burns on arms, legs, neck or torso

FRACTURES

- To skull, nose, facial structure in various stages of healing
- Multiple or spiral fractures
- Bone fracture-unexplained and in various stages of healing

LACERATIONS OR ABRASIONS

- To mouth, lips, gums, eyes
- To external genitalia

BEHAVIORAL INDICATORS

- Behavioral extremes; aggressiveness or withdrawal
- Frightened of parents
- Afraid to go home
- Reports injury by parents

PHYSICAL NEGLECT

Physical neglect occurs when a parent, guardian or custodian fails to provide for a child's basic needs, like food, clothing, shelter, education, medical care or supervision and abandonment.

The failure to meet basic needs must represent a threat to the child's immediate health and safety or an impending danger if there is a pattern or history of the child's needs not being met.

PHYSICAL INDICATORS

- The child is malnourished, emaciated, is always hungry or begging for food, or is seldom fed nutritious food. A medical diagnosis is usually necessary to determine malnutrition.
- The child's clothing is inappropriate or insufficient to protect the child from the weather or clothing is so dirty or smelly that it constitutes a health hazard.
- The caretakers fail to provide a home or the home is in a condition that presents a health hazard or dangers such as fire.
- The caretakers refuse to permit a child to attend school. Truancy alone does not constitute child abuse or neglect but may be an indication when considered with other family factors.
- The caretakers fail to seek medical or dental treatment for a health problem or condition that, if untreated, could represent a danger to the child.
- The caretakers fail to provide supervision of a child. The child's age and competence, amount of time left unsupervised, time of day the child is unsupervised, and degree of parental planning for the unsupervised period must be considered. Community standards need to be considered.
- The child is abandoned. Abandonment is a legal term meaning contact with the child has not been attempted by the caretaker for an extended period of time.

BEHAVIORAL INDICATORS

- Begging, stealing food
- Extended stays at school; early arrival and late departure
- Constant fatigue, listlessness or falling asleep in class
- States there is no caretaker

SEXUAL ABUSE

Sexual abuse and exploitation occurs when a parent, guardian or custodian commits, or allows contacts or interactions between a child and adult, where the child is used for the sexual stimulation of the parent, guardian, caretaker, or other responsible person. Sexual abuse may also be committed by a person under the age of 18, when that person is significantly older than the victim, or in a position of power and control over the child.

PHYSICAL INDICATORS

- Difficulty walking or sitting
- Pain or itching in genital area
- Bruises or bleeding in external genitalia, vaginal or anal areas
- Venereal disease, especially in pre-teens
- Pregnancy

BEHAVIORAL INDICATORS

- Unwilling to change for gym or participate in physical education class
- Withdrawal, fantasy or bizarre, sophisticated or unusual sexual behavior or knowledge
- Poor peer relationships
- Delinquent or runaway behavior
- Reports sexual assault by caretaker

EMOTIONAL ABUSE

Emotional maltreatment occurs when a parent, guardian or custodian fails to provide the emotional nurturing needed for a child's psychological growth and development, or willfully denies the child the emotional stability necessary for proper psychological growth and development. Emotional maltreatment results in an observable or measurable impairment of the child.

PHYSICAL INDICATORS

- Failure to thrive is diagnosed. The child does not gain weight or meet developmental norms, despite adequate feedings and absence of physiological causes. Failure to thrive is caused by failure to emotionally nurture, cuddle and hold the child, such as leaving the child in a crib all day. The clearest indicator of failure to thrive is the placement of a child in another environment, where the child dramatically gains weight and thrives.
- The caretaker verbally abuses the child, such as constant harassment, belittling, humiliation, repeated threats or constant criticism.
- The caretaker condones, suggests or encourages the child to commit theft or prostitution.

- The child is ignored or isolated by parents physically and emotionally for long periods of time. An example includes a child who is sent to an empty room for hours or days to be isolated from the rest of the family.
- The child is placed in a position of acting as a parent to an extremely needy or inadequate parent.

INFORMATION FOR EXAMPLE REPORTING FORM

When preparing an internal reporting form to track reports, the following information should be included:

1. Date of Incident
2. Suspected Maltreatment
3. Contact Information for Reporter
4. Nature of Problem
5. Date Suspected Maltreatment was Reported to Person in Charge
6. Date Suspected Maltreatment was Reported to CPS or Local Law Enforcement
 - Request written acknowledgement of report to authorities
 - Include written response from authorities with this reporting form once the response is returned

Having an internal reporting form will help all parties involved follow the policies and procedures of the organization as well as comply with any requirements within state statute. The form will also help track timeframes for outgoing reports from the organization and the response from the investigating agency.