

A Guide to Mandatory Reporting Of Sexual Abuse and Minors



Here you will find a guide designed to help professionals who work with minors to understand Iowa Mandatory Reporting Laws with regard to sexual abuse. The main goal as a mandatory reporter is to protect children and youth. The aim of this brochure is to help you make more informed decisions about when you must report and when you can/should report. Remember that you will not be penalized for reporting when law does not require you to. You can be penalized if you fail to make a report when it is required. As professionals we need to let our agencies' policies, our experience, and common sense guide us when we are not required by law to report. This document does not constitute legal advice.

Mandatory Reporting Under Age 12 (not including age 12)

- Any suspected or known sexual activity by a caretaker or non-caretaker with a minor under age 12 is a mandatory reporting situation to the Department of Human Services (DHS).
- DHS investigates reports of sexual activity by a caretaker with a minor under age 12 and refers criminal acts to Law Enforcement for possible criminal investigation.
- DHS refers reports of sexual activity by a non-caretaker with a minor under 12 to Law Enforcement for possible joint assessment and allegations.

Mandatory Reporting of Sexual Abuse with a Minor Age 12 up to age 18 by a Caretaker/or person living in home.

- Any suspected or known sexual activity by a caretaker or person who resides in the home (but not a caretaker) with a minor age 12 up to age 18 is a mandatory reporting situation.
- Some professionals that have frequent contact with children, such as doctors, teachers, nurses, and social workers, are required by state law to report cases of suspected child abuse and neglect to DHS.

Mandatory Reporting of Child Sex Trafficking (effective 7/1/16)

Any suspected or known child sex trafficking of a child under the age of 18 is a mandatory reporting situation. This does not require caretaker status. (See Iowa Code 710A.1)

Mandatory Reporting Examples

- An 11-year-old states that s/he has had sex with a 14-year-old. The 11-year-old is unable to consent to sexual activity because s/he is under 12. This activity must be reported to DHS.
- A 13-year-old boy states that his uncle is fondling him. The uncle is not a caretaker but lives in the boy's home. This activity must be reported to DHS.
- A 16-year-old girl states that she is being forced to have sex with her father. Again, the father is a caretaker and the activity must be reported to DHS.

Upon becoming aware of the suspected or known activity, a mandatory reporter must provide an oral report to DHS within 24 hours. A written report must be sent to DHS within 48 hours.

THE POINT OF MANDATORY REPORTING IS TO PROTECT CHILDREN. IN ALL CASES, REPORT IMMINENT DANGER TO LAW ENFORCEMENT.

BLACK HAWK COUNTY, IOWA Dept. of Human Services (319) 291-2441
WAYPOINT – Domestic Violence Victim Services 1-319-365-1458
DEPARTMENT OF HUMAN SERVICES: 1(800) 362-2178
RIVERVIEW for victims of sexual assault: 1(888) 557-0310

Permissive Reporting of Sexual Abuse

Ages 12 through 18 with a Non-Caretaker

- A permissive reporting situation occurs when an individual uses personal or professional judgment based on individual circumstances to determine whether or not to make a report to DHS.
- Suspected or known sexual activity by a non-caretaker with a minor age 12 through 18 may be a permissive reporting situation. A reporter will use professional judgment based on individual circumstances when deciding whether or not to make a permissive report to the Department of Human Services (DHS).
- DHS may turn reports of sexual activity with a minor age 12 through 18 and a non-caretaker over to Law Enforcement.

CONTACT LAW ENFORCEMENT IMMEDIATELY IF YOU BELIEVE A MINOR IS IN IMMEDIATE DANGER.

Permissive Reporting Examples

- A 13-year-old tells a 16-year-old friend that they can have sex, so they do. The 16-year-old has committed criminal sexual abuse. This may be a situation that you would want to report to DHS.
- A 15-year-old and a 20-year-old friend have sexual contact that the 15-year-old requests. The 20-year-old has committed criminal sexual abuse. Again, you may want to report this to DHS.
- Two 13-year-olds have sexual contact. Neither is old enough to consent to sexual contact. Either or both have sexually abused the other and can be charged.

Points to Consider:

- 12- and 13-year-old minors are unable to give legal consent for sexual activity.
- If a 14- or 15-year-old minor has a partner who is less than 4 years older, s/he can give legal consent for sexual activity as long as s/he is not being coerced.
- As long as a 16- or 17-year-old minor is not being coerced, s/he is of legal age to consent to sexual activity according to the Iowa Criminal Code.

**YOU ARE REQUIRED TO REPORT ABUSE,
NOT NECESSARILY ILLEGAL BEHAVIOR.**

**Is this individual possibly being sex
trafficked? Call 1-888-373-7888**

Questions to Consider When Deciding Whether to Make a Report to DHS:

- Was the sexual activity consensual? Were both parties truly free to give consent?
- What is the age difference between the youth? What is the difference in maturity levels and sexual experience? Is one youth preying on another or is this experimentation?
- What are the abuse survivor's thoughts or feelings regarding a report?
- What will be the impact on the minor involved in the event? Will his/her life be improved by reporting?
- Does the person with whom the minor is engaging in sexual activity hold a position of authority over the minor? Is authority used to gain sexual contact (e.g. a coach, teacher or boss)?
- What would the legal consequences be for the youth, if a report is filed and law enforcement becomes involved?
- How will the families involved react? Will the parents withdraw their support?
- Will the legal status or documentation of the youth or their families be, or perceived to be, in jeopardy if reported?
- If reported, will the minor receive the help needed, such as counseling, information on pregnancy prevention and STI testing, prevention and treatment and other life skills?

This publication was developed by a coalition of service providers who work with teens. After months of comparing notes and swapping stories, the Iowa Code was researched to better understand the laws and how they pertain to mandatory reporting. THIS BROCHURE IS NOT A SUBSTITUTE FOR LEGAL COUNSEL OR YOUR OWN AGENCY'S POLICIES REGARDING mandatory reporting. Thank you!

www.eyesopeniowa.org