

Mandatory Reports of Suspected Abuse or Neglect

Mandated Reporting

North Dakota Century Code (N.D.C.C.) § 50-25.1-03 mandates that specific individuals including mental health professionals, schoolteachers, administrators, school counselors, and child care workers having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, report the circumstances to the Department of Health and Human Services (“Department”), or their authorized agent.

In order to assist in the identification and prevention of child abuse or neglect, all employees of the Fargo Public School District (“District”) are required to complete annual mandatory reporter training. In addition, all District employees shall cooperate to the fullest extent possible in the fulfillment of this law regardless of whether they are statutorily required to report.

1. Any District staff member who has knowledge of or reasonable cause to suspect child abuse or neglect shall immediately report the circumstances to the Department if the knowledge or suspicion is derived from information received by that individual in that individual’s official or professional capacity. District employees are to report suspected child abuse and neglect by calling the statewide toll-free Child Abuse and Neglect Reporting Line at 1-833-958-3500. Supporting documents can be provided to the CPS Intake Unit by fax: 701-328-0361. Oral reports must be followed by a written SFN 960 within forty-eight hours if requested by the Department. A written report must include any information specifically sought by the Department if the reporter possesses or has reasonable access to that information. Emergency situations where a student is in immediate danger should be reported by calling 9-1-1.
2. The Department, authorized agent, or appropriate law enforcement agency (“agency representative”) shall notify the school principal of the intent to conduct an interview on school property pursuant to N.D.C.C. § 50-25.1-05. The agency representative may interview, without the consent of a person responsible for the child's welfare, the alleged abused or neglected child and any other child who currently resides or who has resided with the person responsible for the child's welfare or the alleged perpetrator on District property. The school administrator may not disclose the nature of the notification or any other related information concerning the interview to any person including a person responsible for the child's welfare. The school administrator and agency representative shall make every effort to reduce the disruption of the educational program of the child, other students or school staff when an interview is conducted on school property.
3. In order to protect the child, it is recommended that any contact with the parents or guardian of the child originate with the Department or agency representative.
4. In an emergency or critical situation, the protection of the child from further harm is paramount. In these situations, law enforcement officials should immediately be called by District employees to protect the child. The report then becomes a secondary expectation.
5. Any person, other than the alleged violator, participating in good faith in making the report, assisting in an investigation, furnishing information to an investigator, or in

providing protective services under this chapter, is immune from any liability civil or criminal, that otherwise might result from reporting the alleged case of abuse or neglect.

6. All reports, as well as any other information obtained, regarding child abuse and neglect are confidential and must be available in accordance with state law.
7. Any person who permits or encourages the unauthorized disclosure of reports made or confidential information obtained under the provisions of this law is guilty of a Class B misdemeanor.
8. Any person who willfully makes a false report or provides false information which causes a report to be made under the law, is guilty of a Class B misdemeanor unless the false report is made to a law enforcement official, in which case the person who causes the false report to be made is guilty of a Class A misdemeanor. A person who willfully makes a false report or willfully provides information that causes a report to be made, is also liable in a civil action for all damages suffered by the person reported, including exemplary damages.
9. Any person who is required to make a report and fails to do so is guilty of a Class B misdemeanor.

Reports of Institutional Child Abuse and Neglect

Institutional child abuse and neglect is defined by N.D.C.C. [50-25.1-02 \(17\)](#) as, "situations of known or suspected child abuse or neglect when the institution responsible for the child's welfare is a public or private school, a residential facility or setting either licensed, certified, or approved by the department, or a residential facility or setting that receives funding from the Department. When a child is suspected of being abused under circumstances that fit within this definition, District employees shall report the suspicion of possible child abuse or neglect to the statewide toll-free Child Abuse & Neglect Reporting Line 1-833-958-3500.

Upon receiving notice that a report alleging institutional child abuse and neglect has been filed against the school, the building principal shall contact the District's general counsel.

Legal References:

N.D.C.C. ch. 50-25.1

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