



A ValorUS® and
Arc of California Project

Best Practices for Including Survivors with I/DD during Mandated Reporting

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Best Practices for Including Survivors with I/DD

The purpose of this mandated reporting guide is to focus on the survivor and their decision-making abilities in order to facilitate the healing process, while following all relevant state and federal laws.

This document is not meant to be distributed as a policy. It is a guide that can be adapted to meet the needs of your organization and referenced as needed to provide helpful tips and considerations. It is important to remember that each person and each situation are unique and require their own personalized process. The process recommendations provided in this document are intended to be suggestions utilized as the support team sees **fit and safe**, with regard to supporting and/or informing the individual.

This document is not to be regarded as legal advice, but is meant to provide guidance, strategies and protocols. Following all state and federal laws on reporting is still legally required.

FIT and SAFE

Sometimes individuals may be in immediate danger or immediate crisis and a report needs to be made without their involvement (suicidal ideation, abuser is present, etc.)

It is always preferable for the individual to be involved in their own mandated report. Taking independence and autonomy away can be retraumatizing and result in a loss of trust.

In the rare instances when survivors are not given the opportunity to be involved in reporting, make sure you have CLEAR policy around when you report without their knowledge: update informed consent policies, be transparent, follow up with individuals to give resources and healing services.

Best Practices for Including Survivor

Describe reporting process to survivor in plain language

Describing what is going to happen and what might happen can be helpful for people with disabilities who may struggle to adjust to new situations. Remember to be clear about what WILL happen and what MIGHT happen.

Plain language is easier for most people to understand. Whether you have a cognitive disability, know English as a second language, or are experiencing trauma, simplifying language and removing hard to understand words or abbreviations can make the process much easier.

Involve survivor in process of reporting

- Ask survivor if they want to know who you are informing
 - » Describe all required parties you inform, stress that you are not aware of who other parties inform
- When possible, ask survivor if they would like to be present when you report
- Ask if there is anyone that they would like to join the process to help support them
- Write report in plain language
 - » Ask survivor if they would like you to read written report to them, or read it themselves
- Describe some possible outcomes
 - » Inform survivor that you don't know all of the possibilities or what will likely happen
- Call & send report to as few parties as possible

Discuss additional supports and trusted individuals survivor may want to reach out to, offer to assist them

Provide follow up care

- Ask survivor if you can have someone from RCC check on them, inquire if this would be safe
 - » Follow through with check in on survivor
- Ask if they want to bring home materials about RCC services, inquire if this would be safe

Safety is the goal of reporting. If the abuser lives with the individual bringing home materials, or having someone call the home may cause problems. Troubleshoot this with them. Offer to add the hotline number to their phone under a different name, or have the RCC call them at a different location.

- Ask if they want you to describe some services offered
 - » List and describe services offered by your RCC (Call local RCC to inquire and confirm. Common services are crisis hotline, in-person counseling, group therapy, and court accompaniment.)

Management follow up

As a **manager**, it is important to follow up with the staff as well as the individual. Remember that staff members may have their own history of abuse and these events may be triggering for them.

- Discuss reporting with staff involved in disclosure
- Ensure all staff involved in disclosure are aware that the report was made and who made it
- Meet with each involved staff member to ensure they are coping well and offer resource
- Ask if staff has suggestions about how they would like to be supported & offer space for staff to make suggestions

Considerations for Mandated Reporters

Staff and clients aren't always aware of who is a mandated reporter. This can be difficult when friendships are formed and information is revealed. Confiding in someone can be difficult, and later finding out that someone is unable to keep that confidentiality can be damaging to individuals as well as to working relationships. When approaching the topic of mandated reporting be sure that everyone is informed about their own responsibilities as well as who holds the mandated reporter title.

- Are clients employed with the program considered mandated reporters?
 - » Have they been trained?
 - » Are other clients aware of their reporter status?
- Are volunteers with the program considered mandated reporters?
 - » Have they been trained?
 - » Are clients aware of their reporter status?
- Are independent contractors (music/art instructor, non-licensed professionals) considered mandated reporters?
 - » Have they been trained?
 - » Are clients aware of their reporter status?
- Are administrative staff considered mandated reporters?
 - » Have they been trained?
 - » Are clients aware of their reporter status?

Relevant Reminders

You should become thoroughly acquainted with your own agency's policies and procedures on mandated reporting;

You should talk to your supervisor about mandated reporting and clarify any questions you may have prior to working with survivors.

You should discuss your duties to report to clients on the onset of your contact with them and should remind them of the mandatory reporting requirements you have as time goes on.

Regardless of supervisor instruction or opinion, each mandated reporter has the legal duty to report suspected abuse.

Mandated reporting does not guarantee safety. Sometimes the survivor may remain in the same environment or relationship. They may continue to be abused. They may choose or be forced into a situation that is similar or worse. Continue to listen to the survivor and provide resources and assistance.

A report can initiate a number of drastic changes. Change can be uncomfortable and traumatic for people, even when it is positive. Be patient with the survivor.

Sample Scripts

Informing a survivor that you need to report this incident:

“You have told me that someone is hurting you. Part of the law in California says that I cannot keep this a secret. I don’t have to tell anyone in your family, unless you want to. I do have to tell insert reporting authority (Adult Protective Services/Ombudsman). I will call them on the phone, and then also fill out a form to send in the mail. You can be with me when I tell them, if you would like. I will tell them the same thing you told me.”

Informing the survivor about some of the possible outcomes:

“I cannot tell you exactly what will happen after I make the report. Here are some things that might happen:

- Someone from APS/Ombudsman office will decide if they need to investigate. This means they want to find out more information.
- Someone from APS/Ombudsman office might call you or come visit you to ask you questions about what happened. This does not mean you are in trouble.
- They might tell the police about what happened.
- A police officer may call you or come visit you to ask you questions about what happened. This does not mean you are in trouble.
- You might not see the person who harmed you anymore. But sometimes you might still have to see them. It is important to tell people if the abuse keeps happening.

Resources

We encourage you to reach out to your local rape crisis center for services and support. Creating and maintaining a relationship with your local rape crisis center can be a good way to ensure clients have resources readily available. Establishing this kind of connection can not only equip disability service providers with trauma informed care skills, but can also provide great insight for rape crisis centers that may have limited experience working with folks with I/DD.

To find your local rape crisis center, please visit:

www.valor.us/get-help

or

RAINN 1-800-656-4673

APS Hotline

To report abuse, call this number 1-833-401-0832 and when prompted enter your 5-digit zip code to be connected to the Adult Protective Services in your county, 7 days a week, 24 hours a day.

Report of Suspected Dependent Adult/Elder Abuse - SOC 341

Department of Social Services Mandated Reporting Training

References

[California Welfare & Institutions Code, Article 3 – Mandatory and Nonmandatory Reports of Abuse](#)

[California Evidence Code, Section 1035.2 – “Sexual Assault Victim Counselor” Defined](#)

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