

Office of Child Support **POLICY SHEET**

SUBJECT

**Office of Child Support's Duty to Report Cases Involving
Statutory Rape, Child Abuse, and Neglect**

PS# 99-02

SUMMARY

Office of Child Support employees are considered mandatory reporters and therefore, are obligated to report instances of suspected child abuse. This policy outlines the procedures OCS employees must follow when reporting suspected child abuse. It also explains how Vermont laws define the form of child abuse referred to as "statutory rape."

POLICY

Office of Child Support employees are mandatory reporters pursuant to [33 V.S.A. §4913](#). This means they are required to contact the Family Services Division (FSD) of DCF in **all** cases of reasonably suspected child abuse and neglect¹. Parentage cases involving a custodial or noncustodial parent who was under the age of 16 during the probable period of conception **must** be reported by the Office of Child Support worker to the FSD Child Protection Line². There is no requirement that the Office of Child Support staff inform the parties of any imminent report.

The Office of Child Support should provide as much information as possible to the FSD worker including the child's name, date of birth, home address, school or childcare provider and parents' names. FSD will then assess whether to investigate the matter and if appropriate, will refer the matter to the appropriate State's Attorney Office. The filing of any charges is in the discretion of the prosecutor who has jurisdiction over the offense.

New OCS employees will be expected to attend the training, "Protecting Vermont's Kids: Reporting Child Abuse and Neglect," within the first few weeks of employment. Additional and recurring trainings on mandated reporting will be required and will be available through LINC as assigned.

¹ "Abused or neglected child," as defined in 33 V.S.A. § 4912(1) means, "a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. An 'abused or neglected child' also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect."

² See 13 V.S.A. § 3252

PROCEDURES

When OCS staff becomes aware of a suspected case of child abuse, a report must be made to FSD by calling 1-800-649-5285 within 24 hours of receiving information regarding or observing suspected abuse/neglect. If a child is thought to be in imminent harm, the OCS staff member should call 911 prior to making the report to FSD. If an OCS staff member has any question as to whether they should make a report they are to consult with their supervisor and their regional attorney.

OCS staff may report as a group if several individuals within the same organization need to report the same information. However, if a group report is not made then each staff member must report individually. Once a report is made and clearly documented, OCS staff members do not need to make subsequent and identical reports based upon and with the same facts. If there is any different or new information, circumstances, or facts discovered, then a new report will be required.

At the time of the report, FSD may ask that a [written report](#) be completed and emailed or faxed to them. OCS staff must also clearly document that a report was made in the ACTN log in ACCESS. Your ACTN entry should include the date the report was made, the specific information that was conveyed and any response received from FSD at the time. Any response letters/reports back to OCS regarding the intervention should be marked confidential and imaged to the case. Finally, OCS staff must also add a red flag to the case indicating that a report was made to FSD and the date of the report. This red flag will serve to direct OCS staff to the ACTN log to review the specific report details as documented and will ensure that all relevant facts have been reported.

RATIONALE

Vermont law defines an abused child as one who has been sexually abused or is at substantial risk of sexual abuse by any person. See 33 V.S.A. §4912(1). The law further directs that a child under the age of 16 is incapable of consenting to sexual intercourse. See 13 V.S.A. §3252(c). Since a child under 16 is not capable of consenting to sexual intercourse (State v. Clark, 77 Vt. 10), it follows that a child who gives birth under circumstances where consent is legally barred falls within the purview of the statute, and therefore must be reported in every instance.

Date	Action	Description
05/20/1999	Created	
10/15/2015	Revised	Clarified OCS staff are mandatory reporters and attached DCF procedures by hyperlink (based on DCF memo on Act 60 changes)
05/04/2017	Revised	Clarifies that NCPs under 16 should be reported as well. Defines how to make a report and FSD process

07/07/2023	Revised	Clarified definition of child abuse, updated specific case reference in rationale; updated hyperlinks
09/11/2023	Revised	Referenced training requirements both as new OCS employees and beyond
10/30/2023	Revised	Clarified reporting requirements further and documentation needed; cited statutes where appropriate
01/05/2024	Revised	Updated hyperlinks