

Who Must Report: Mandated Reporters in North Dakota

North Dakota law requires certain types of professionals who provide healthcare or services to a vulnerable adult to report abuse, neglect, and exploitation of vulnerable adults.

- Qualified individual (*means any agent, investment adviser representative, or person who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment advisor*)
- Clergy (*NOTE: not required if knowledge is gained as a spiritual advisor*)
- Addiction counselor
- Caregiver
- Chiropractor
- Congregate care personnel
- Coroner
- Counselor
- Dental hygienist
- Dentist
- Emergency medical personnel
- Family therapist
- Firefighter
- Hospital personnel
- Law enforcement officer
- Marriage therapist
- Medical examiner
- Mental health professional
- Nurse
- Nursing home personnel
- Occupational therapist
- Optometrist
- Other professional
- Pharmacist
- Physical therapist
- Physician
- Podiatrist
- Social worker

Others Who May Report

- Any other person may voluntarily report to the North Dakota Department of Health & Human Services or to law enforcement.

When to Report

- A mandated reporter **must report** if in an official or professional capacity, he or she:
 - has knowledge that a vulnerable adult has been subjected to abuse or neglect, or
 - observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect.
- **IMPORTANT: A mandated reporter is required to report as soon as possible.**

What to Include in the Report *(to the extent reasonably possible)*

- Name, age, and address of the alleged vulnerable adult.
- Name and address of the caregiver (if any).
- Nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect.
- Any evidence of previous abuse or neglect.
- Any other information that, in the reporter's opinion, may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the person responsible for the alleged abuse or neglect.

FAILURE TO REPORT: Any person required to report who willfully fails to do so may be guilty of an infraction and subject to a fine up to \$1,000.

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How to Report Suspected Abuse, Neglect, or Financial Exploitation:

- **URGENT:** If a vulnerable adult is in **immediate danger**, call law enforcement **NOW** and afterwards report concerns to Vulnerable Adult Protective Services by:
 - Filing a report **online** at: <https://bit.ly/3vbYbEj>
 - Completing and submitting the reporting form
<https://www.hhs.nd.gov/sites/www/files/documents/featured-area/sfn01607.pdf>
 - Via email to dhsvaps@nd.gov or fax to 701.328.8744
 - Contacting the Vulnerable Adult Protective Services Central Intake Line toll-free at **1-855-462-5465, Option 2**. Messages can be left for intake staff.

Online Training for Mandatory Reporters

- Mandatory reporters may receive one Continuing Education Unit (CEU) for completion of the online training found here: [Reporter Training \(nd.gov\)](#)

Additional Resources

- For more information, please visit www.nd.gov/dhs/services/adultsaging.

Mandatory Reporting of Child Abuse and Neglect - North Dakota

DATE: MAY 2023

Professionals Required to Report

Citation: Cent. Code §§ 50-25.1-03; 25-01-01

The following professionals are required to report:

- Dentists, dental hygienists, optometrists, medical examiners or coroners, or any other medical or mental health professionals
- Tier 1, tier 2, tier 3, or tier 4 mental health professionals, as defined under § 25-01-01
- Religious practitioners of the healing arts
- Schoolteachers, administrators, or school counselors
- Child care workers or foster parents
- Police or law enforcement officers, juvenile court personnel, probation officers, or division of juvenile services employees
- Licensed social workers, family services specialists, or child care licensors
- Members of the clergy

Mental health professionals are classified as follows:

- Tier 1 mental health professionals include licensed psychiatrists, psychologists, physicians, or physician assistants, and advanced practice registered nurses.
- Tier 2 mental health professionals include licensed independent clinical social workers, professional clinical counselors, marriage and family therapists, addiction counselors, and registered nurses.
- Tier 3 mental health professionals include licensed associate professional counselors, master social workers, baccalaureate social workers, professional counselors, associate marriage and family therapists, occupational therapists, practical nurses, behavior analysts, vocational rehabilitation counselors, school psychologists, and human relations counselors.
- Tier 4 mental health professionals include direct care associates or technicians.

Training Requirements for Mandatory Reporters

Training for mandatory reporters is not addressed in the laws and policies reviewed.

The North Dakota Department of Health and Human Services provides an overview of the reporting process on its webpage [North Dakota Child Protection Program](#) and offers training for mandatory reporters through an online tool, [Interactive Training for Mandated Reporters](#).

Reporting by Other Persons**Citation: Cent. Code § 50-25.1-03**

Any person who has reasonable cause to suspect a child is abused or neglected or has died as a result of abuse or neglect may report such circumstances to the North Dakota Department of Health and Human Services or authorized agent.

A person who has knowledge of or reasonable cause to suspect a child is abused or neglected based on images of sexual conduct by a child discovered on a workplace computer shall report the circumstances to the department or authorized agent.

Institutional Responsibility to Report**Citation: Cent. Code §§ 50-25.1-04; 50-25.1-09.1**

The chief administrator of an entity employing more than 25 individuals who are required to report suspected child abuse or neglect may designate an agent within the entity to file reports of suspected child abuse or neglect on behalf of the staff members and volunteers. Under no circumstances may a designated agent to whom such report has been made impose conditions, including prior approval or prior notification, upon a staff member or volunteer reporting suspected child abuse or neglect or exercise any control, restraint, or modification, or make any changes to the information provided by the staff member or volunteer. A report filed by the designated agent must include the first and last name, title, and contact information for every staff member or volunteer who is believed to have direct knowledge of the facts surrounding the report. A single report from the designated agent is adequate to meet the reporting requirement on behalf of staff members and volunteers.

If a staff member or volunteer makes a report of suspected child abuse and neglect to a designated agent of an entity, and the designated agent files a report on behalf of the staff member or volunteer, the staff member or volunteer will be considered fully compliant with the reporting requirements in this chapter. However, this section does not preclude the staff member or volunteer from also reporting the suspected child abuse and neglect directly to the department or authorized agent. A staff member or volunteer reporting suspected child abuse or neglect who has knowledge the designated agent has failed to report on behalf of the staff member or volunteer immediately shall make a report directly to the department or authorized agent.

An employer is prohibited from retaliating against an employee solely because the employee in good faith reported having reasonable cause to suspect that a child was abused or neglected or died as a result of abuse or neglect or because the employee is a child with respect to whom a report was made.

There is a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this subsection, an 'adverse action' is action taken by an employer against the individual making the report or the child with respect to whom a report was made, including any of the following:

- Discharge, suspension, termination, or transfer from any facility, institution, school, agency, or other place of employment
- Discharge from or termination of employment
- Demotion or reduction in remuneration for services
- Restriction or prohibition of access to any facility, institution, school, agency, or other place of employment or individuals affiliated with it

Standards for Making a Report

Citation: Cent. Code § 50-25.1-03

A report is required when a reporter has knowledge of or reasonable cause to suspect that a child is abused or neglected, if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity.

A person who has knowledge of or reasonable cause to suspect that a child is abused or neglected based on images of sexual conduct by a child discovered on a workplace computer shall report the circumstances to the department.

Privileged Communications

Citation: Cent. Code §§ 50-25.1-03; 50-25.1-10

A member of the clergy is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser.

Any privilege of communication between spouses or between any professional person and the person's patient or client, except between attorney and client, cannot be used as grounds for failing to report.

Inclusion of the Reporter's Name in the Report

Citation: Cent. Code §§ 50-25.1-04

A report filed by the designated agent must include the first and last name, title, and contact information for every staff member or volunteer who is believed to have direct knowledge of the facts surrounding the report.

Disclosure of the Reporter's Identity

Citation: Cent. Code § 50-25.1-11

All reports are confidential and must be made available to a parent, the child's guardian, and any person who is the subject of a report provided that the identity of persons reporting or supplying information is protected.

A report made under this chapter, as well as any other information obtained, is confidential and must be made available to any person who is the subject of the report provided that the identity of persons reporting or supplying information is protected until the information is needed for use in an administrative proceeding arising out of the report.

