

*Youth-  
serving DV  
and LGBTQ  
programs  
Policymakers*

*LGBTQ Domestic Violence  
Targeted Recommendation:*

**Direction  
regarding  
mandatory  
reporting and  
youth**



National  
LGBTQ DV Capacity Building  
Learning Center

## Recommendation: Direction Regarding Mandatory Reporting and Youth

### Rationale

Youth experiencing intimate partner violence (IPV) frequently avoid bringing their concerns to an otherwise trusted adult because of the fear that person will break their confidentiality and report IPV to child welfare or law enforcement based on mandatory child abuse reporting laws.<sup>i</sup>

In a survey conducted by the LGBTQ DV CBLC, respondents under 18—and particularly LGBTQ respondents—indicated high levels of concern about mandatory reporting. Almost half of people under 18 said they had avoided reaching out for help because of fears about mandatory reporting. Trans and gender non-conforming young people reported high levels of having been reported to child welfare or law enforcement at some point. Fully 50% of respondents of all genders, ages, and races consistently indicated that the outcomes of mandatory reports had made their situation *much worse*.<sup>ii</sup>

LGBTQ youth may particularly worry about mandatory reporting because law enforcement or child welfare responses may “out” a person who is not ready to be public about their relationship, sexuality, or gender identity. Exposure before the young person is ready may erode relationships with friends, family, or school, undermine support systems, and even result in homelessness.

Child abuse reporting laws were not intended to address teen peer-to-peer violence; rather, they were designed to focus on abuse perpetrated against children by parents, caregivers, and guardians, and people responsible for children’s well-being. Some state laws make this clear by specifying the relationships of particular concern in the definition of child abuse.<sup>iii</sup>

Because its primary focus is on familial and caregiver relationships, the child welfare system is not designed to respond to peer dating violence. Law enforcement responses to teen IPV may also be problematic, and are not focused on the well-being of the survivor. While IPV is unacceptable, criminalization and involving large bureaucratic systems is not always the most effective or best intervention, especially for youth.

### Recommendations for Mainstream DV, LGBTQ Anti-Violence and All Youth Serving Programs

1. Youth safety, self-determination, and harm reduction should drive mandatory reporting policies and decisions, not fears about agency liability. “When in doubt: report” policies are damaging to advocacy relationships and to youth.
2. Reread your state’s mandatory reporting law(s) and get help from a youth rights-oriented attorney to interpret it as narrowly as possible. If the law clearly states that

child abuse involves a caregiver, guardian, parent, or other responsible adult, consider making clear to your community, and to the youth you serve, that your agency interprets this to mean that peer-to-peer violence does NOT fall under mandated reporting statute.

3. Never assume that making a report is neutral or will increase youth safety. Advocates need to be aware that the act of reporting something a young person has told them to the police or child welfare may in and of itself have negative impacts on the young person. Even if a report is not followed up on or is classified as “unfounded,” making a report and any subsequent investigation can result in substantial damage to relationships and community support. Because reporting may increase danger or bring harm to a young person, it is critical that advocates absolutely avoid over-reporting and are extremely conservative with regard to what triggers a mandatory report.
4. When a report seems necessary, recognize and anticipate with the youth the repercussions which may come from making a report. Safety plan with the youth about those repercussions and their options if a report must be made: What will happen if a social worker reveals the specifics of their relationship and any abuse within it to their parents, teachers, or other supportive adults? Will their housing or education be threatened? Safety plan for the negative impacts of involving a bureaucracy in the teen’s life, including loss of housing and support.
5. Avoid using mandatory child abuse reporting requirements to stigmatize or penalize LGBTQ youth..
6. Provide advocacy staff with substantial training and support to ensure they have the capacity to use discernment in making decisions about reporting teen dating violence. This includes regular supervision, education regarding the child welfare system and its impact on youth, and a mechanism for thinking through decisions for filing reports.
7. Work with youth and schools in your community to create transformative/restorative justice programs that provide space outside punitive systems so that people who do harm can get support in taking accountability for abuse, especially in cases in which the person doing harm is a youth themselves.<sup>iv</sup>
8. In strategic and program planning, ask: What do young people entering intimate relationships need to create relationships that are healthy and consensual? When youth find themselves in unhealthy relationships, what do they need in terms of support and information? What will empower young people to create healthy and beloved communities? The answers to these questions should drive youth programming.
9. See our recommendation “Involve, learn from, and build the leadership of LGBTQ youth” to get information about involving youth in program planning. A youth advisory council can provide insight regarding youth needs and the impacts of mandatory reporting.

## Recommendations for Policymakers

1. Consider offering mandated reporters an alternative to reporting teen peer-to-peer violence that more meaningfully meets the professional obligation to contemplate the safety and well-being of the vulnerable young person. For example, in the case of peer-to-peer violence, rather than making a mandatory report, a professional may be allowed to record that consultation occurred regarding the following: the incident or safety concern; considerations of the cost/benefit of reporting to law enforcement or child welfare in terms of the young person's well being and how official reporting may further endanger a young person; and what steps were taken to further the young person's safety, self-determination, well-being, and connection to supportive community and resources.
2. In states in which the definition of child abuse is open to "any person" harming a minor, add clarifying language to narrow the definition of child abuse to clearly refer to adults in authoritative, parental, or caregiving roles harming children, and excluding peer-to-peer violence or abuse.

## Resources

- [There's No One I Can Trust: The impact of mandatory reporting on the help-seeking and well-being of domestic violence survivors](#)
- [Creative Interventions](#)
- [Generation Five: Toward Transformative Justice](#)

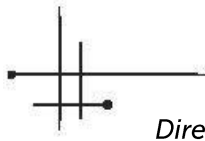
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<sup>i</sup> National LGBTQ DV Capacity Building Learning Center (2016). *There's no one I can trust: The impact of mandatory reporting on the help-seeking and well-being of domestic violence survivors*. Seattle, WA: Lippy, C., Burk, C., & Hobart, M.

<sup>ii</sup> Ibid

<sup>iii</sup> The following states' laws contain language specifying some sort of guardian, caregiver, or parental relationship in their definitions of child abuse: AZ, CA, HI, IL, IN, IA, MI, MO, ME, MD, NJ, NM, NY, NC, ND, OK, SC, TN, VA, WV and Washington, DC. Other states' laws may also include limiting language: check your state law and interpret narrowly.

<sup>iv</sup> See Creative Interventions.



*Direction on Mandatory Reporting and Youth*

One in a series of targeted recommendations from the LGBTQ Domestic Violence Capacity Building Learning Center intended to improve policy, research, intervention and prevention efforts regarding LGBTQ DV.

The LGBTQ DV CBLC is a project of the Northwest Network for Bisexual, Trans, Lesbian and Gay Survivors of Abuse with foundational partner the National Coalition of Anti Violence Programs

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