

# When Worlds Collide: Mandatory Reporting and Confidentiality for Survivors with Disabilities

*Serving Survivors with Disabilities and Deaf Survivors: Practical Guidance and Information for Advocates and Others Working to End Sexual and Domestic Violence*

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# Agenda

- >Understanding Confidentiality
- >Understanding Mandatory Reporting
- >Complexities of Mandatory Reporting
- >Implications for Survivors
- >Implications for Providers

# Understanding Confidentiality

- >Confidentiality means holding information in trust and sharing it only in the interest of the person involved.
- >Confidentiality is intended to assist people in getting help.

## Why is confidentiality important to survivors?

- >Encourages help-seeking;
- >Creates a context of respect and trust in which recovery can begin;
- >Gives survivors an important tool for maintaining safety;
- >Honors survivor autonomy;
- >Restores to the survivor an element of control over her life and her story.

# Understanding Mandatory Reporting

- > Generally, a legal requirement for some professionals to report abuse or neglect of:
  - > Children
  - > Adults over 60 or 65 years of age
  - > People with disabilities
- > Depending on your state statute, mandatory reporters can be anyone.
- > Depending on your state statute, some disabilities may or may not fall under mandatory reporting requirements.

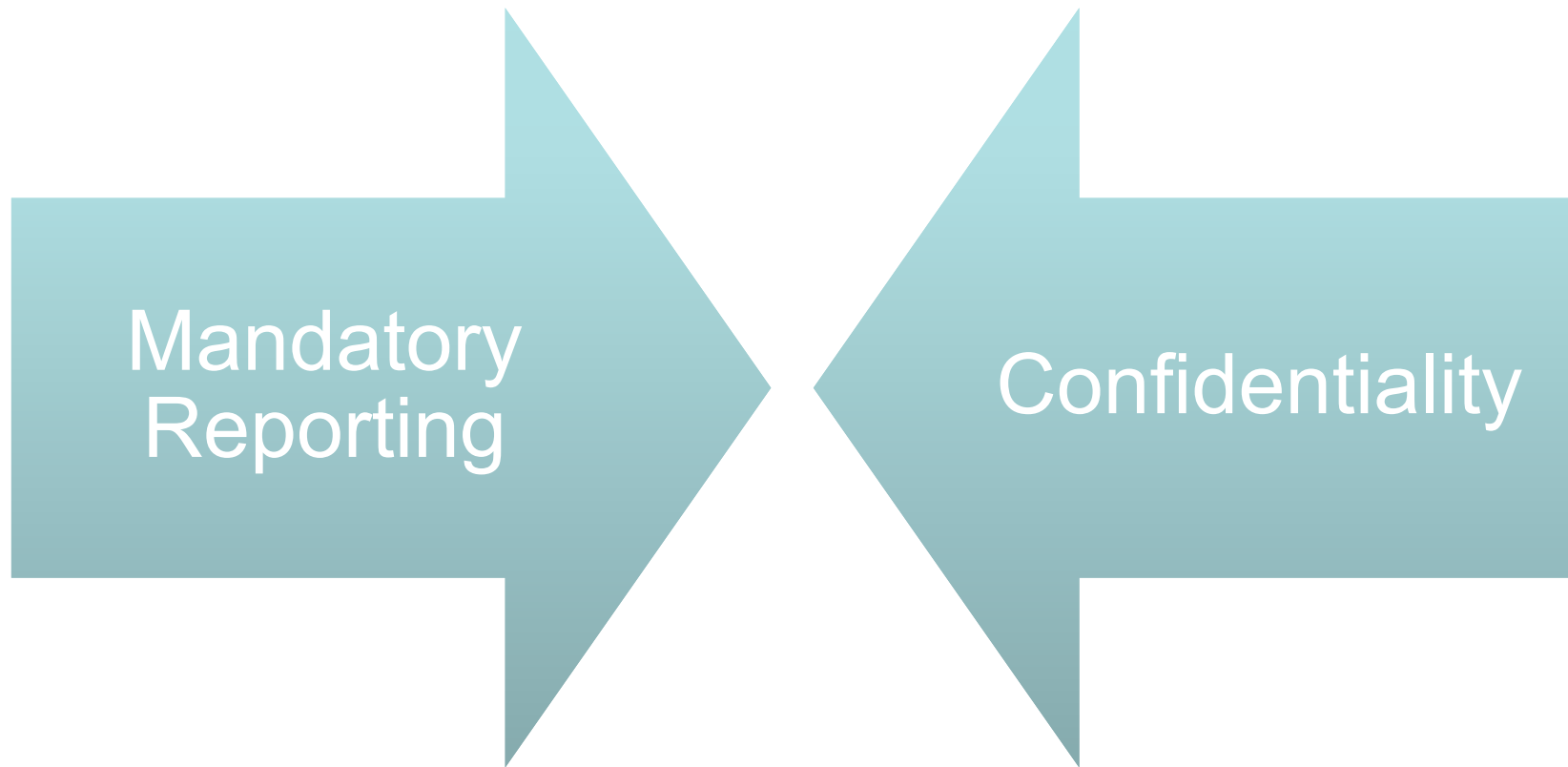
# Why Mandatory Reporting?

- > Societal obligation to protect “vulnerable” individuals:
  - > Children
  - > Elderly
  - > People with disabilities
- > Can increase offender accountability;
- > Can improve data collection and documentation of abuse of people with disabilities;
- > Can enhance a victim’s experience by linking them to critical services.

# Complexities of Mandatory Reporting

- >Laws are based on child and elder abuse, where age is the demarcation for triggering a report;
- >Language in the laws is often very vague or very broad;
- >Response can be inconsistent;
- >Reporters may not fully understand their responsibilities.

## At the intersection of violence and disability



# Power Shifts when Information is Shared

— Julie Kunce Field

## Consequences for Survivors with Disabilities

- >Deterrent to seeking help
- >Risk of retaliation
- >Limited response to reports
- >Inconsistent reporting protocols across organizations
- >Increased isolation
- >Decreased independence and autonomy
- >Loss of trust

# Benefits to Survivors with Disabilities

- > Promotes early identification of vulnerable adults
- > Breaks isolation
- > Creates an opportunity to increase offender accountability
- > Provides victims with information about safety planning, legal and community services
- > Provides victims with local/state advocacy services
- > Provides a 'continuum of care' for victims in coordination with other agencies and enhances effectiveness of interventions.
- > Creates documentation of the maltreatment that may be critical to criminal or civil legal action

## Implications for Providers

- >Learn your reporting requirements in your state
- >Mandatory reporting laws can trump privilege
- >Mandatory reporting requirements suggest a need to build strong relationships with your local APS and disability providers
- >Once you understand your reporting requirements, be transparent with survivors with disabilities

## Resources

- > [www.accessingsafety.org](http://www.accessingsafety.org)
- > [www.rainn.org](http://www.rainn.org)
- > [www.apsnetwork.org](http://www.apsnetwork.org)
- > <http://www.futureswithoutviolence.org>
- > Reporting Requirements by State
  - > <http://www.americanbar.org/content/dam/aba/migrated/aging/docs/MandatoryReportingProvisionsChart.authcheckdam.pdf>

# Questions and Reflections

## Contact Information

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