

GUIDELINES ON CHILD ABUSE REPORTING

1. OCGA § 19-7-5(c)(2) provides that a person who is a mandated reporter because s\he attends to a child as a staff member of a hospital, school, social agency, or similar facility may discharge the duty to report by notifying the person in charge of the facility. This provision does not seem applicable to a mandated reporter who is serving as a mediator in a mediation center, and it is doubtful whether the mediator who is a mandated reporter will satisfy the statute by reporting to the program director. To be safe, the mediator should report directly to an agency designated by the Department of Human Resources, the police, or the district attorney as directed in OCGA § 19-7-5 (e).

2. OCGA § 19-7-5 (d) and (e) provide that any person other than one specified in subsection(c) should make an oral report as soon as possible to a child welfare agency providing protective services, as designated by the Department of Human Resources, or, in the absence of such an agency, to an appropriate police authority or the district attorney. Program directors should have an address and phone number for the reporting agency in their county or circuit and make this information available to mediators. Questions about the specific requirements of reporting should be referred to the reporting agency. Since confidentiality does not extend to allegations of child abuse, any information regarding the allegation should be reported.

3. The Georgia Supreme Court Alternative Dispute Resolution Rules provide that “Confidentiality does not extend to a situation in which 1) there are threats of imminent violence to self or others or 2) the mediator reasonably believes that a child is abused or that the safety of any party or third person is in danger.” Only the information relating **to** child abuse is excluded from the confidentiality pledge. Confidentiality applies to other information revealed by any party during the mediation.

4. If allegations are made by one party against another in caucus, it is suggested that in the interest of safety the mediator not reveal the allegations to the “accused” party. The mediator is in no different position from that of any other reporter vis-a’-vis the accused party and owes no special duty to that person simply by virtue of having served as mediator.

If an admission is made in caucus, the mediator should not inform the other party but should discharge his or her duty by reporting that admission. If the mediator feels that the child is in imminent danger, the mediator should use his or her judgment as to how this information should be reported to best protect the child.

5. It is necessary that the mediator terminate the mediation as soon as there is an allegation of child abuse. This should be handled as gracefully as possible. The mediator may tell the parties that the mediation is at an impasse, that the mediator has determined that the mediation will not be helpful to the parties, or that the mediator feels s\he cannot help the parties further. Telling the parties that the case is inappropriate for mediation may be unwise, causing immediate danger to a party or the mediator or possible retaliation against the child. If the information is revealed in caucus, the parties should be informed that the mediation is terminated, and the parties should be allowed to leave separately.

6. The program director should inform the court that the mediator finds the case inappropriate for mediation. There is no need to report further to the court since the proper avenue for reporting is through the agency designated by the Department of Human Resources.

Approved by the Georgia Commission on Dispute Resolution, 9/27/96