



## **Dixie Softball, Inc. Abuse Reporting Guidelines**

### **Safe Sport Act Requirements For Covered Individuals And Sports Organizations**

Child abuse reporting laws vary from state to state which can be a source of confusion. For this reason, in 2018, Congress enacted a new Federal law, The “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017” (“Safe Sport Act”), which specifically requires "covered individuals" in applicable amateur sports organizations such as Dixie Softball, Inc. and affiliated leagues to meet mandatory reporting requirements.

Covered individuals must report suspicions of child abuse, including sexual abuse, within 24 hours to law enforcement. Failure to report may be a criminal violation under state and federal law. A covered individual is any adult who is authorized by an applicable amateur sports organization to interact with a minor or amateur athlete.

An applicable amateur sports organization is one that is not part of a national sports governing body, participates in interstate or international amateur athletic competition, and includes any adult who is in regular contact with an amateur athlete who is a minor. This clearly applies to Dixie Softball, Inc. and to any affiliated league that has a team that crosses a state line to compete. However, even if an affiliated Dixie Softball league does not have a single team that crosses a state line to compete, the Safe Sport Act establishes a new standard of care for preventing negligence that will be used in future lawsuits. In addition, state reporting laws still apply.

### **Reporting Child Sexual and Child Physical Abuse Under Federal Safe Sport Act**

Any covered individual who has a reasonable suspicion of child sexual abuse or child physical abuse committed by another staff member or participant, must within 24 hours:

- 1) notify law enforcement authorities as required by state and federal law; and
- 2) notify the Misconduct Officer (MO) who is in charge of the child abuse protection program or a board member.

The MO or a board member of an applicable amateur sports organization should separately report such allegations to the appropriate law enforcement authorities as required by state and federal law. Failure to report such misconduct may be a violation under state and/or federal law and may result in criminal or civil penalties. Those making such reports may have civil and criminal immunity as long as the report was made in good faith. An attorney should be consulted prior to reporting for advice on currently applicable state and federal law.

Participants and parents are also encouraged to report any reasonable suspicions of child sexual and child physical abuse to the MO or a board member.

## **What You Need To Know About State Reporting Laws**

Definition of child sexual abuse or physical abuse: Even though federal law sets minimum standards for defining child sexual abuse, physical abuse, or other forms of neglect and abuse, the laws may vary from state to state and frequently change over time. Therefore, it is suggested that you hire an attorney in your state for assistance to determine the exact reporting laws that apply, the laws that were in effect at the time of the occurrence, and to which authorities you must report.

What is the standard for reporting: The circumstances under which a mandatory reporter is required to report vary by state law. The DHHS summarizes two typical reporting standards, for both mandatory and permissive reporters: (1) the reporter, in his or her official capacity, suspects or has reasons to believe that a child has been abused or neglected; and (2) the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. You should work with a local attorney to determine when you are required to make a report to a state agency.

Is the communication privileged: Some states identify when a communication is privileged, i.e., there is a right to maintain a confidential communication between a professional and their client or patient. However, this privilege is greatly restricted for mandatory reporters. For example, states commonly provide that the physician-patient privilege is superseded by the requirement to report child abuse.

Will the report be anonymous?: Most states permit anonymous reports.

Will the reporters identity be disclosed?: If a reporter does disclose his/her identity, many states protect the identity of the reporter from disclosure to the alleged perpetrator. In some cases, however, a reporter's identity may be released (i.e., by court order or by waiver and/or consent).

### **For crisis assistance, counseling, and referral services:**

Childhelp is a national organization that provides crisis assistance and other counseling and referral services. The Childhelp National Child Abuse Hotline is staffed 24 hours a day, 7 days a week, with professional crisis counselors. All calls are anonymous. Contact them at 1.800.4.A.CHILD (1.800.422.4453), or visit <http://www.childhelp.org/>.

**Source: Little League Guidelines On Reporting Abuse**