

Mandatory Reporting Requirements: Children Guam

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Question	Answer
Who is required to report?	<p>Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report, including, but not limited to, any:</p> <ul style="list-style-type: none"> • Licensed physician; • Medical examiner; • Dentist; • Osteopath; • Optometrist; • Chiropractor; • Podiatrist; • Intern; • Registered nurse; • Licensed practical nurse; • Hospital personnel engaged in the admission, examination, care or treatment of persons; • Christian Science practitioner; • Clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship; • School administrator; • School teacher; • School nurses; • School counselor; • Social services worker; • Day care center worker; • Any other child care or foster care worker; • Mental health professional; and • Peace officer or law enforcement official.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When there is reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. <p>Where does it go?</p>

	<ul style="list-style-type: none"> • Oral reports shall be made to Child Protective Services (671) 475-2672 or (671) 475-2653 or the Guam Police Department (671) 472-8911). • Any person or official required to report suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report that fact to the chief medical examiner.
<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> • “Abandonment” means the desertion or willful forsaking of a minor by the person responsible for the child's welfare under circumstances in which a reasonable person would continue to provide care or custody; • “Abused or neglected child” means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child's welfare. • “Child” means a person under the age of 18 years. • “Harm” to a child's physical health or welfare occurs in a case where there exists evidence of injury, including but not limited to: <ul style="list-style-type: none"> • Any case where the child exhibits evidence of skin bruising or any other internal bleeding, any injury to skin causing bleeding, burns, poisoning, fracture of any bone, subdural hematoma, soft tissue swelling, extreme pain, death or disfigurement or impairment of any bodily organ, and such injury is inflicted by other than accidental means, by excessive corporal punishment or where the history given concerning such condition or death is at variance with the degree or type of such condition or death; • Any case where the child has been the victim of a sexual offense as defined in the Criminal and Correctional Code; • Any case where there exists injury to the psychological capacity of a child such as failure to thrive, extreme mental distress, or gross emotional or verbal degradation as is evidenced by an observable and substantial impairment in the child's ability to function within a normal range of performance with due regard to the child's culture; • Any case where the physical health of the child is adversely affected because the person responsible for the child's welfare has not regularly provided the child, in a timely manner, with adequate food, clothing, shelter, psychological care, physical care, health care or supervision, when financially able to do so or if offered financial assistance or health care or other reasonable means to do so; <ul style="list-style-type: none"> • “Adequate health care” includes any medical or non-medical health care permitted or authorized under territorial laws; provided, however, that a person responsible for the child's welfare who, while legitimately practicing his or her religious beliefs, does not specify medical treatment for a child should not for that reason alone be considered as harming or threatening harm to the child. • Any case where the child is provided with a controlled substance as defined by the Criminal and Correctional Code. However, this paragraph shall not apply to a child's family who provides such drugs to the child pursuant to the direction or prescription of a practitioner as defined in § 67.12(t) of the Criminal and Correctional Code of Guam; or • Any case where the child is abandoned.

	<ul style="list-style-type: none"> • “Sexual conduct” means: <ul style="list-style-type: none"> • Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex or between humans and animals; • Penetration of the vagina or rectum by any object; • Masturbation, for the purpose of sexual stimulation of the viewer; • Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer; or • Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation to the viewer.
What timing and procedural requirements apply to reports?	<ul style="list-style-type: none"> • Reports shall be made immediately by telephone and followed up in writing within 48 hours after the oral report.
What information must a report include?	<p>Each report of a known or suspected instance of child abuse should include:</p> <ul style="list-style-type: none"> • Name of the person making the report; • Name, age and sex of the child; • Present location of the child; • Nature and extent of injury; • Any other information, including information that led that person to suspect child abuse, that may be requested by the child protective agency receiving the report; • Other information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse; • Name of the person or persons responsible for causing the suspected abuse or neglect; • Family composition; • Actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child or notification of the medical examiner; and • Any other information which the child protective agency may, by regulation, require.
Anything else I should know?	<ul style="list-style-type: none"> • No person required to report suspected child abuse may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency. • In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child. Persons who make a voluntary report of suspected child abuse or neglect shall be required to reveal their names. • Any commercial film or photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative or slide depicting a child under the age of 18 engaged in act of sexual conduct shall report instances of suspected child abuse to Child Protective Services immediately or as soon as practically possible by

	<p>telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative or slide attached within 48 hours of receiving the information concerning the incident.</p> <ul style="list-style-type: none"> • Any person or official required to report suspected child abuse or neglect who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement for a term not to exceed six months, by a fine of not more than \$1,000 or by both. A second or subsequent conviction shall be a felony in the third degree. • Any person, hospital, institution, school, facility, or agency participating in good faith in the making of a report of suspected child abuse or neglect shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions.
Statutory citation(s):	<ul style="list-style-type: none"> • 19 G.C.A. §§ 13101, 13201, 13202, 13203, 13205, 13206, 13207.