

Mandatory Reporting Requirements: Children virgin islands

Last Updated: March 2020

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Physicians; • Hospital personnel engaged in the admission, examination, care or treatment of persons; • Nurses; • Dentists; • Any other medical professionals; • Any behavioral health professionals; • School teacher or other school personnel; • Social service workers; • Day-care worker or other child-care or foster-care workers; or • Any peace officer or law enforcement officials.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When a mandated reporter has reasonable cause to suspect that a child has been subjected to abuse, sexual abuse or neglect, or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect. <p>Where does it go?</p> <ul style="list-style-type: none"> • U.S. Virgin Islands Police Department (V.I.P.D.) or Department of Human Services, <ul style="list-style-type: none"> • St. Thomas: (340) 774-0930 • St. Croix: (340) 773-2323 • St. John (340) 776-6334) • Reports can also be made to the Office of Intake and Emergency Services (340) (340) 773-2323 ext. 2059. • Whenever any person is required to report under this subchapter in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he shall immediately notify the person in charge of such institution, school facility or agency, or his designated agent, who shall then also become responsible to report or cause reports to be made. <ul style="list-style-type: none"> • Nothing in this subchapter is intended to require more than one report from any such institution, school or agency; but neither is it intended to prevent individuals from reporting on their own behalf.

What definitions are important to know?

- **“Abandoned child”** means a child whose parents, guardian, or custodian desert him for such a length of time and under such circumstances as to show an intent to evade the duty of rearing him or a reckless disregard for his needs. It shall be a rebuttable presumption that the parent intends to abandon the child who has been left by his parent without any provision for his support, or without communication from such parent for a period of six months. If, in the opinion of the court, the evidence indicates that such parent has made only minimal efforts to support or communicate with the child, the court may declare the child to be abandoned. Abandonment is a form of neglect.
- **“Abuse”** means any physical or mental injury inflicted on a child, other than by accidental means, by those responsible for the care and maintenance of the child, which injury causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health or loss or protracted impairment of the function of any bodily organ. Abuse includes the sexual abuse of a child, as defined by law, or the sexual exploitation, including the prostituting of a child and the photographing or other depiction of a child for pornographic purposes, or a persistent course of sexual conduct that causes a child’s health or welfare to be harmed or threatened.
- A **“child”** is an individual under the age of 18 years.
- **“Neglect”** means the failure by those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education as required by law; and medical or mental health care, to the extent that the child’s health or welfare is harmed or threatened thereby. It shall also mean an abandoned child.
- **“Sexual abuse”** (18 USCA § 2242) means knowingly (1) causing another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or (2) engaging in a sexual act with another person if that other person is: (A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempting to do so.
- **“Sexual conduct”** means any of the following, whether actual or simulated: sexual intercourse, oral copulation, sodomy, anal-oral copulation, masturbation, bestiality, sexual sadism, sexual masochism, any lewd or lascivious sexual activity, or excretory functions performed in a lewd or lascivious manner, whether or not any of the above conduct is performed alone or between members of the same or opposite sex or between humans and animals. An act is simulated when it gives the appearance of being actual sexual conduct.
- **“Sexual exploitation”** means (18 USCA § 2251):
 - (a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any territory or possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, or
 - (b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of

	<p>transmitting a live visual depiction of such conduct;</p> <ul style="list-style-type: none"> • (c) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, where the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail; or the person transports such visual depiction to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail shall be punished as detailed in (b)(1) above; • (d) Any person who knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or participation in any act of sexually explicit conduct by or with any minor for the purpose of producing a visual depiction of such conduct, where such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed; or such notice or advertisement is transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed shall be punished as detailed in (b)(1) above.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Reports shall be made immediately by telephone or otherwise. • If requested, an oral report shall be followed by a written report within 48 hours.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • The names and addresses of the child and his parents or other persons responsible for his care; • The child's age and sex; • The nature and extent of the child's injuries, sexual abuse or neglect to the child or any other child in the same home; • The name and address of the person responsible for the injuries, sexual abuse or neglect; • The family composition; • The source of the report, including the name of the person making the report, his occupation and his address; • Any action taken by the reporting source, including the taking of X-rays or color photographs or filing for temporary custody; and • Any other information that the person making the report believes may be useful.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • Any person, official or institution required to report a case of alleged child abuse, sexual abuse or neglect, or to perform any other act, who knowingly fails to do so, shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned not more than one year, or both. • Any person required to report cases of child abuse, sexual abuse and neglect, may take or cause to be taken color photographs of the areas of trauma visible on a child and, if medically indicated, cause to be

performed radiological examinations of the child. Any photographs or X-rays taken shall be sent to the Department of Social Welfare as soon as possible, which department shall make reimbursement for the reasonable cost of the photographs or X-rays.

- In situations involving alleged child abuse, sexual abuse or neglect, privileged communications between husband and wife or any professional person and his patient or client (excluding attorney client communication) shall not constitute grounds for failure to report child abuse, sexual abuse or neglect, as required, or to give or accept evidence in any judicial proceedings relating to child abuse, sexual abuse or neglect.
- Individuals may report on their own behalf.
- Any other person may make a report if such person has reasonable cause to suspect that a child has been abused or neglected or observes the child has been abused or neglected or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.
- Any person, official or institution participating in good faith in any act permitted or required under the reporting statutes shall be immune from any civil or criminal liability that otherwise might result by reason of such actions.

Statutory
citation(s):

- 5 V.I.C. §§ 1027, 1721A, 2502, 2533, 2534, 2535, 2537–39.
- 18 U.S.C.A. §§ 1591, 2242, 2251