Duty To Report:
Duty to Warn and Mandated Reporting Guidelines for SPA
MFLC Duty To Report Guideline Goals

Upon review of this guide, you will:

- Be able to identify situations that require you to follow a Duty to Warn protocol, a Mandated Report protocol or both
- Become familiar with the Duty to Report procedures required of you as an MHNGS MFLC Contracted Provider
- Know who to contact and how to take appropriate action when you encounter a situation where you may have a Duty to Report.

Introduction to Duty To Report

Clarification of terminology: In the military, Duty to Report requirements fall into two categories based on the type of risk being reported. The categories are Duty to Warn and Mandated Report (DTW/MR). Situations involving risk of harm to self (including suicidal thoughts or intent) or harm to others (including ideation about harm) are classified as Duty to Warn. Mandated Reports are required either by state or military regulations, for the following risks: domestic abuse/violence/neglect, child abuse/neglect, sexual assault/rape, present or future illegal activity, and safety concerns about members in the Personnel Reliability Program. For the purpose of this Guide we refer to all situations that involve potential risk to service members or their family as a Duty to Report or use the acronym DTW/MR. In the military, the term “Duty to Report” is often used to refer to both Duties to Warn and Mandated Reports. However, as an MFLC you must understand the difference in order to follow the correct protocol and to fill out your activity form accurately. Circumstances sometimes require both a Duty to Warn report and a Mandated Report—for example, a spouse who is severely depressed and suicidal and is unable to care for her two young children.

If the person is in imminent danger, take action to keep them safe. This may require calling the MPs, contacting command or the POC to help arrange transport; asking a fellow MFLC to help you engage emergency services; or calling 911. If you are able to call your MFLC Liaison without compromising safety, do so, as they will support you in transferring the SM/FM to the appropriate services. If the person is not in imminent danger, please call your MFLC Liaison to verify the branch and risk specific protocols. Make sure you notify your MFLC Liaison within 2 hours of the event if you were not able to contact them at the beginning.

Professional Confidentiality Standards

Duty to Reports require that confidentiality be lifted so you can transfer an individual, couple or a child to the appropriate services. Remember to maintain professional standards regarding confidentiality at all times and even in a Duty to Report, only provide information to those “with a need to know”.

Understanding DTW Protocols

Military guidelines governing Duty to Report situations have been established by the Office of the Secretary of Defense (OSD). These guidelines ensure that the proper authorities are notified to better address the service/family member’s needs. DTW/MR procedures are defined by the type of issue that is present, the
branch of service and the program within which you are providing services. **Each installation may have slightly different protocol requirements; therefore it’s essential that you discuss the specifics of DTW/MR reporting with your POC upon arrival at the installation.**

**Limits of Confidentiality**

According to the MFLC contract, in any FTF session (including groups) you need to review the Limits of Confidentiality (LOC) with all participants. To accomplish this, you have been provided an approved disclosure script* that that must be covered with the client, as you review the following points describing the parameters and scope of the MFLC Program:

- Counselors provide brief solution-focused, problem-solving support.
- Counselors work in support of and, in conjunction with, existing military entities/services
- Counselors keep no records containing identifying information
- Counselors maintain a duty to warn and mandated reporting) obligation under military and state regulations
- Counselors cannot see service/family members who are "in the system" (see description below)
- Counselors are not restricted reporters and should transfer potentially eligible SM/FM to restricted reporters as soon as possible, if they desire to make a restricted report (see description below)

**NOTE:** If you have questions or need a copy of the script, contact your Liaison before you begin meeting with SM/FM)

**Restricted Reporting**

Some victims of domestic abuse or sexual assault may be eligible to report the assault or abuse without the report initiating the investigative process or notification to the victim’s or alleged offender’s commander. Active duty service members and adult family members 18 years or older (including adult dependent children), may be eligible for a restricted report. It is important to remember that the Restricted Reporter has the final say on whether a restricted report can be done. The MFLC should ask, and if the individual wants the option of a restricted report, immediately do a warm hand-off to the appropriate personnel:

- Victim Advocate
- Supervisor of a Victim Advocate
- Healthcare Provider
- Family Advocacy Program Office (FAP)
- Sexual Assault Response Coordinator (SARC)

MFLCs are **not** restricted reporters. If someone begins to disclose they are a victim of domestic abuse or sexual assault, you should stop the session, remind them of their restricted reporting options and do a warm hand off to the appropriate resource listed above, if the option is chosen. **If they continue to disclose details and/or do not want the option of a restricted report, you are required to make a Mandated Report to the appropriate agency including a report to the POC.** If a person has been the victim of a sexual assault, we do not report the incident against their will but strongly encourage them to accept a warm hand-off to the
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appropriate agency, as MFLCs are not allowed to continue to provide services. **If you provide a warm hand off to a restricted reporter,** you should still provide a summary of the hand-off to your Liaison and mark the encounter as a Mandated Report in the activity form but you would NOT notify the POC.

**DTW/MR Criteria**
The Duty to Report criteria and protocols have been established by DoD. All branches of service have the same basic criteria for determining the need for a DTW/MR:

- Threat to harm self or others
- Violence against any person
- Child abuse and/or neglect
- Domestic abuse and/or neglect
- Any present or future illegal activity
- Sexual Assault

If safety is not compromised, always contact your MFLC Liaison immediately to discuss your plan of action.

**Branch Specific Protocols for Adults**
Each branch of service and installation may have slightly different protocols, which is why it’s critical you review branch and installation protocols with your liaison and POC the first day you arrive on assignment.

**Special Note for Air Force**
The Air Force’s DTW/MR criteria for members of PRP (Personnel Reliability Program) have additional criteria that require a Duty to Report. Discuss PRP with your MFLC Liaison once you arrive at your Air Force assignment.

**Child Abuse/Neglect Reporting Information**
How do you make a child abuse/neglect report? During your installation orientation, you should obtain the name and contact information for the POC or designee. If you suspect child abuse or neglect while you are on a CYB or Adult assignment, you should contact your MFLC Liaison immediately.

- **Simultaneous Reporting:** Simultaneous reporting is encouraged for all programs. Simultaneous reporting means that you make a report to the POC or POC’s designee and they will assist you with reporting to the appropriate agency. DoD wants to ensure that a report is filed if you suspect child abuse/neglect. In addition, the DoD wants an insider to assist with the report to make sure installation protocols are followed. During your initial installation orientation, you should be provided with the name and contact information of the appropriate installation POC or designee(s), including after-hours contact numbers.
- **Independent Reporting:** There may be times when it is not installation protocol to notify child protective services – their protocol might be to notify the MPs or FAP who then make the report. However, you are still responsible for making an independent report to the appropriate child protective services organization if you cannot confirm the MPs or FAP made the report. If you need assistance finding the number for CPS for CONUS assignments, contact your MFLC Liaison. You can
always call Child help at 800-4-A-CHILD. They are available 24/7 and can direct you to the correct CPS or agency. Additional information can be found online at www.childwelfare.gov under “Responding to Child Abuse.”

- **Reporting Resources (OCONUS):** Please verify that you have numbers for your POC and FAP on your installation as we don’t report to CPS for OCONUS.

**What if I am unsure if there is child abuse/neglect?**
If you think you have a reportable situation, but you are unsure, you do have options available to you. The first and most important is to call your MFLC Liaison. You can also consult with other resources. Call CPS or FAP with a ‘hypothetical’ situation and ask whether they believe it to be reportable. Always err on the side of caution. If you have reason to believe abuse or neglect is taking place, make a report.

**Guidelines for MFLCs**
- Upon arrival at an installation, meet with the current/departing counselor and with the POC to clarify the duty to warn and mandated report protocols and emergency contact numbers for the installation.
- Possess a copy of and be familiar with the limits of confidentiality script prior to providing face to face counseling services. Inform your MFLC Liaison if the location does not have a laminated LOC disclosure.
- Know the branch specific DTW/MR procedures. Please remember to contact your MFLC Liaison immediately if you encounter an individual(s) at risk.
- Protocol by Phone: Although MFLCs do not do telephone counseling, if you receive a phone call from a service/family member, start the call with "Hi, my name is______ I see you already have my #... can I get your name and # in case we get cut off?"
- For Initial Client Contact Protocol: For in-person DTW/MR, obtain the name, phone number and address for the person at risk, as well as the service member’s Unit. You may need to provide these to the POC when you report the DTW/MR. In child programs you will need to obtain demographics from the POC/Director/Principal so you can report to the appropriate state agency. If the POC does not provide the demographic information to you, contact your MFLC Liaison for next steps.
- Provide a DTW/MR summary email to MFLC Liaison/Manager as soon as possible after you have completed the DTW/MR, but within 24 hours at the latest. The email summary should include:
  1. a description of the risk issues that led to the DTW/Mandated Report
  2. the actions that were taken
  3. the date and time of any report made to an agency, MPs, or police
  4. the name of the person and agency reported to and a report number (if available)
  5. the name of POC, the names of any escort that accompanied the client/participant and the person and location the participant was "handed off" to (i.e., FAP, behavioral health, hospital etc.)
  6. person and location the participant was "handed off" to (i.e., FAP, behavioral health, hospital etc.).
- Enter an activity form with DTW, and/or MR checked “yes” and a brief description of what occurred in the “Summary of Event” and “Action Taken” text boxes.

**NOTE:** Do not include PII (SM/FM names, addresses, phone numbers, etc) in the activity form or in your summary to your Liaison.
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Harm to Self/or Harm Others* Protocol

**Army / Marines/Navy**
- Contact MFLC Liaison
- Collect demographic information for POC
- Obtain transport to emergency services/assessment for the individual by:
  - Contacting Command (rank of NCO or higher) to request an escort for the SM/FM, or
  - Contacting the MPs to transport the SM/FM, or
  - Call 911
- Notify the hospital or BH that the SM/FM is enroute and provide warm hand-off information so they know what the risk issues are.
- Request notification once the SM/FM arrives and is assessed
- Provide DTW demographic/details to POC (some POCs do not want details, just notification)
- Provide DTW summary email to MFLC Liaison or Manager ASAP. **Do not include SM/FM demographics**, but do include:
  - Description of the risk causing the DTW & contributing factors (if known)
  - Actions taken, including: the date & time of any reports
  - The name of the person and agency reported to and report number, the names of the POC, any escort, and the person and location the participant was "handed off" to (i.e., FAP, behavioral health, etc)

**Air Force**

In the Air Force the warm hand-off is given to the POC. In the email to the MFLC Liaison, make sure to include the name of the POC, any escort (if required) and any other person or location the participant was "handed off" to if the POC was not available or wanted you to manage the DTW (i.e., hospital, behavioral health, etc).

* If a threat is made against a specific individual, you must ensure that individual is notified. Your Liaison will help you determine the best way to accomplish this. Ideally Command or the POC will make the notification, but you must verify it has been done.
Duty To Report Guidelines for SPAs

Domestic Abuse/Neglect, Violence Against any Person, Illegal Activity, and Sexual Assault Protocol,

**Army / Marines/Navy**

- Call MFLC Liaison
- Provide individual with the number to Domestic Violence hotline
- If you believe the SM/FM might be eligible for a restricted report, make the warm hand-off to the appropriate agency/personnel
- If “no” to a restricted report, provide warm hand-off to FAP
- Notify POC you have made a MR if “no” to restricted report
- Provide MR summary email to MFLC Liaison/Manager ASAP. There should be no participant demographics but do include
  - a description of what caused the MR,
  - the actions taken, date and time of any required reports,
  - the name of the person and agency reported to and report number (if available), the names of the POC, any escort and the person and location the participant was "handed off" to (i.e., FAP, behavioral health, etc).

**Air Force**

- If it is not a restricted report: contact POC and provide MR information. The POC may want to handle notifications or may ask you to conduct the warm hand off of the client to the correct dept/agencies and to make the report. Simultaneous reporting is encouraged.
- The Personnel Reliability Program (PRP) has additional reporting criteria you must discuss with your Liaison if your assignment includes PRP.

For more installation specific information contact your MFLC Liaison and POC.
Child Abuse/Neglect

For All Service Branches (except for On-Demand and Camps)

- Ensure the child is kept safe
- Contact your MFLC Liaison immediately
- Make a warm hand-off to the appropriate school or CDC POC
- Collect demographic information from POC or participant
- Attempt to make simultaneous report with POC. If POC is unavailable or disagrees with the decision to report the incident, make an independent report to the state agency and FAP (CONUS) or installation agency (often FAP) (OCONUS)
- Obtain the name of the person taking the report, agency name, and case number if available
- Provide MR summary email to MFLC Liaison/Manager as soon as possible but within 24 hours of event. There should be no participant demographics included in the email, but do include a description of the issues that caused the MR, the actions taken, the date and time of any required reports, the name of the person and agency reported to and report number (if available), the names of the POC, any escort (if required) and the person and location the participant was "handed off" to (i.e., FAP, behavioral health, etc).

*NOTE: For more info refer to DoDEA assignments at off-post schools, follow school procedures AND call state agency.
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Army Guard / Reserves (Camp and On-Demand situations only), otherwise follow Active Army protocol

Harm to Self/Others, Domestic Abuse/Neglect, Violence Against any Person, Illegal Activity and Sexual Assault

- Contact MFLC Liaison
- Provide warm hand-off to POC
- Provide DTW/MR summary email to MFLC Liaison/Manager as soon as possible but within 24 hours of DTW/MR event. There should be no participant demographics included but include a description of the issues that caused the DTW, the actions taken, the date and time of any required reports, the name of the person and agency reported to and report number (if available), the names of the POC, any escort (if required) and the person and location the participant was "handed off" to (police, emergency personnel, etc.).

Child Abuse/Neglect

- Keep the child safe
- Contact MFLC Liaison
- Do a warm hand-off to the POC and obtain demographic information to make the report
- Attempt to make simultaneous report with POC. If POC is unavailable or disagrees with the decision to report the incident, report to the state agency
- Obtain the name of person taking the report, agency name, and case number
- Provide POC with Mandated Report information if simultaneous report was NOT made
- Provide MR summary email to MFLC Liaison/Manager as soon as possible, but within 24 hours of MR event. The summary should contain a description of the risk issues that caused the MR to occur, the actions that were taken, the date and time of any report made to agency, MPs, or police, the name of the person and agency reported to and report number (if available), the name of POC, the names of any escort that accompanied the child and the person and location the child was "handed off" to.
## Acronyms

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<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>ACS</td>
<td>Army Community Services</td>
</tr>
<tr>
<td>A&amp;FRC</td>
<td>Airman &amp; Family Readiness Center</td>
</tr>
<tr>
<td>Base</td>
<td>Air Force and Marine Installation</td>
</tr>
<tr>
<td>Camp</td>
<td>Army and Marine Installations</td>
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| Child Abuse  | The abuse or neglect of a child, eighteen years or younger, is defined as:  
  • Deliberate physical injury that at a minimum leaves marks or bruises or is to the face or head  
  • Sexual activity or maltreatment between a minor and any person who is at least three years older or younger  
  • Sexual activity resulting from threat, coercion, or violence  
  • Witnessing domestic violence  
  • Witnessing domestic violence threats with an exposed weapon |
| Child Neglect| • Withholding education  
  • Emotional maltreatment or deprivation of necessities  
  • Withholding medical care for serious conditions  
  • Living in hazardous conditions  
  • Insufficient nutrition, supervision, shelter, or clothing |
| “Danger to Self” | • A participant reports they are going to harm self  
  • A participant reports recurrent ideation to harm self  
  • A participant denies risk of self-harm, but informs Contracted Provider of intent to engage in risky behaviors that may result in a significant or lethal injury and/or has a history of self-harming behavior |
| “Danger to Others” | • A participant reports their intent to harm another person and has a specific plan  
  • A participant reports having recurrent ideation and a means available to harm others |
| CYS          | Child and Youth Services |
| Deployment Cycle | The deployment process is comprised of seven phases: Train up/Preparation, Mobilization, Deployment, Employment, Redeployment, Post Deployment, and Reconstitution. Each phase of the deployment cycle presents emotional challenges to service members and their families. |
| DoD          | Department of Defense |
| Domestic Abuse | Domestic violence or A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person who is:  
  • A current or former spouse  
  • A person with whom the abuser shares a child in common  
  • A current or former intimate partner who whom the abuser shares or has shared a common domicile |
| Domestic Violence | An offense that involves the use, attempted use or threatened use of force or violence against a person of the opposite sex, or the violation of an lawful order issued for the protection of a person who is:  
  • A current or former spouse |
# Duty To Report Guidelines for SPAs

| **Duty To Warn (DTW)** | A person with whom the abuser shares a child  
| | Current or former intimate partner with whom the abuser shares or has shared a common domicile |
| **Family Member (FM)** | Family Member |
| **Family Advocacy Program (FAP)** | Family Advocacy Program |
| **“In the System”** | Someone already receiving treatment from Military Mental Health Resources, FAP, Chaplain, SARC, or JAG. Exceptions: If the Chaplain referred the SM to the MFLC for services it is permissible to see them. Sometimes a SM is referred to see the MFLC while waiting for mental health services, contact your Liaison to determine if seeing them is within scope. |
| **Judge Advocate General (J.A.G.)** | Judge Advocate General |
| **Limits of Confidentiality** | The Limits of Confidentiality will be read with all FTF sessions “Information you provide to me or other counselors will be kept confidential, except to meet legal obligations or to prevent harm to self or others. Legal obligations include requirements of law and DoD or military regulations. Harm to self or others includes suicidal thought or intent, a desire to harm oneself, domestic abuse/violence, child abuse or neglect, violence against any person, and any present or future illegal activity.” |
| **Line of Sight Rule** | As required by the DoD MFLC contract, Contracted Providers are never to meet alone with a child or group of children without being in the line of sight of the child’s parent(s), the military POC, or the POCs designee. |
| **Marine Corp Community Services (MCCS)** | Marine Corp Community Services |
| **Military Police (MP)** | Military Police |
| **Office of the Secretary of Defense (OSD)** | Office of the Secretary of Defense |
| **Point of Contact (POC)** | Point of Contact |
| **Army Installation (POST)** | Army Installation |
| **Personnel Reliability Program (PRP)** | Personnel Reliability Program |
| **Quality Assurance (QA)** | Quality Assurance |
| **Sexual Assault Response Coordinator (SARC)** | Sexual Assault Response Coordinator |
| **Sexual Assault** | Intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling) or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. |
| **Suicide Ideation (SI)** | Suicide Ideation |
| **Service Member (SM)** | Service Member |
| **Victim Advocacy; Victim Advocate Program (VAP)** | Victim Advocacy; Victim Advocate Program |
| **Warm Hand-Off Transfer** | When a Contracted Provider facilitates the coordination of care by directly connecting a SM/FM to a referral or resource, in person or telephonically. The procedures for all hand-offs/referrals will ensure, to the maximum extent possible, that the participant does not have to repeat their information when the third party agency is engaged in the conversation. |