

## What is the penalty for non-reporting?

- A person who has information which causes the person to suspect that a child is in need of care and protection and does not make a report to the Children's Registry or other relevant authority "commits an offence and shall be liable upon conviction before a Resident Magistrate to a fine not exceeding \$500,000, or to imprisonment not exceeding six months or both" (CCPA, 2004, Section 6 (4)).
- A 'prescribed person' commits an offence if that person does not make a report if he suspects that a child may need care and protection. The "Minister may, without prejudice to any proceedings, require the relevant regulatory entity to cause an investigation to be made into the matter" (CCPA, 2004, Section 6 (5)).

## What if reports are false?

**A person who knowingly makes a false statement in a report to the Children's Registry or other relevant authorities commits an offence.**

This person "shall be liable upon summary conviction before a Resident Magistrate or a Judge of a Family Court (as the case may require) to a fine not exceeding two hundred and fifty thousand dollars, and in default of payment, to imprisonment with hard labour for a term not exceeding three months", (CCPA, 2004 Section 89).



# MANDATORY REPORTING

INFRINGMENT OF THE RIGHTS AND  
BEST INTERESTS OF CHILDREN  
IN JAMAICA



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## What is Mandatory Reporting?

It is an obligation by law, to provide information to the Children's Registry, if you suspect that a child has been, is being, or is likely to be abandoned, neglected, physically or sexually ill-treated, or otherwise in need of care and protection.

### Who Reports?

*It is the duty of a 'prescribed person' and or any other person, who has information that causes them to suspect that a child is in need of care and protection, to make a report to the Children's Registry and any other relevant authority.*

### According to the Child Care and Protection Act (2004) a 'prescribed person' means:

- A physician, nurse, dentist, other health, or mental health professional; or an administrator of a hospital or other public medical facility;
- A school principal, teacher, guidance counselor, or any other teaching professional;
- A social worker or other social service professional;
- An owner, operator, or employee of a child day care centre or other child care institution;
- Any other person who by virtue of his employment or occupation has responsibility to discharge care towards a child.

### Who are reports made to?

- Office of The Children's Registry (OCR)
- Office of The Children's Advocate (OCA)
- The Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA)
- Police

## When is a child in need of care and protection?

According to the CCPA (2004) Section 8, the instances under which a child may be deemed in need of care and protection include:

- Having no parent or guardian, or having a parent or guardian who is unfit to exercise care and protection and guardianship;
- Is being cared for in circumstances in which the child's physical or mental health, or emotional state is being seriously impaired, or there is substantial risk that it will be impaired;
- Is being exposed to moral danger;
- Is found to be destitute;
- Wandering without any place of abode, or without visible means of subsistence.
- Begging or loitering;
- Is a child against whom an offence has been committed or attempted to be committed;
- Is a child who is a member of a household within which an offence has been committed or attempted against another child;
- Or is a child in a household that has a member that has been convicted of an offence against a child.

## What are the types of offences?

- The killing of a child by murder or manslaughter
- Infanticide
- Abandoning a child
- Abduction of a child
- Carnal abuse; having sexual intercourse with a child under the age of sixteen (16)
- Person inducing or encouraging a child for sexual grooming
- Prostituting a child
- Rape
- Common or aggravated assaults
- Indecent assaults
- Any offence involving harm or injury to a child

## The Report: Its content and urgency.

### A Report to the Children's Registry shall:

- Be made as soon as is reasonably possible;
- Contain all the facts which indicate suspicion that a child has been, is being, or is likely to be abandoned, neglected, physically or sexually abused, or otherwise in need of care and protection.

### Is the Reporter protected?

- YES. Anyone who makes a report believing that the child is in need of care and protection does not commit an offence and is protected by the law.
- Section 6 (6) of the CCPA (2004) states: "No action shall lie in respect of any person who makes a report to the Children's Registry in good faith."
- The report made to the Children's Registry or any other relevant authority is **secret** and **confidential**, and shall not be disclosed to anyone not authorized by law to receive it.