



KnowledgeCity®
Learning Solutions

KnowledgeCity® REPORTING CHILD ABUSE: MANDATED REPORTERS





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“Childhood should be carefree, playing in the sun; not living a nightmare in the darkness of the soul.”

DAVE PELZER

Author and child abuse survivor



Introduction – Am I Getting Through to You?

It seems that every day we hear another horrific tale of child abuse on the news. In the United States, the mortality rate of abused children is five per day, one of the worst records among industrialized nations. Many of us don't know what to do or whom to report the abuse to, and may not even be sure if abuse is present. For many professionals, however, reporting abuse is mandatory and required by law.

In the United States and its territories, statutes identify those who are required to report child abuse to an appropriate agency that includes:

CPS

Child Protective Services (CPS)



Law enforcement



Child abuse reporting hotlines

Who exactly is a mandated reporter? Certain professions have been designated by law to report suspected child abuse, including:



Social workers



Teachers, principals and other primary school personnel



Physicians, nurses and healthcare professionals



Counselors and mental health professionals



Child care providers



Law enforcement officers



Medical examiners/coroners

Individual states can require other professionals to report suspected abuse, ranging from youth workers, members of the clergy, photography processors and computer technicians, among others. In 18 states and Puerto Rico, anyone, regardless of their profession, is required to report abuse, while in other states it is not required and is called permissive reporting. You can find each state's lists at: www.childwelfare.gov.

Dealing effectively with this complex issue requires you to understand your responsibilities to identify child maltreatment and how to report a problem. Knowing the penalties for non-reporting and the role that Child Protective Services plays is critical to making the right decisions.

What constitutes child maltreatment? Let's look at some definitions.

Child Maltreatment

When we say child maltreatment, we mean any person under the age of 18 who is being subjected to different types of abuse by a perpetrator. Risk factors include homes where drug/alcohol addiction or domestic violence is present. Here are various types of abuse:

- Intentional physical injury
- General neglect of basic needs
- Direct sexual assault and/or sexual exploitation
- Severe neglect that includes intentionally withholding food, clothing, shelter or medical care
- Cruelty and emotional abuse
- Abuse or neglect in out-of-home care, such as a facility, school or institution
- Unlawful corporal punishment or injury



Some states include threatened abuse when parents have problems with drugs or alcohol



Victim's abusers are mainly family members, followed by friends, neighbors or child care providers

In other cultures, child-rearing practices may differ from the accepted norms in our own society. While child abuse affects all cultures, races and socioeconomic statuses, it is important to be aware of how our own attitudes, ideas and beliefs can bias us and our expectations of others. Some practices that are seen as abusive in our culture may be acceptable in other cultures. The key is to determine whether they are endangering a child before making a report.

How can you determine whether a child is endangered? Let's examine some ideas.



Identifying Neglect and Red Flags

Neglect is the main form of child maltreatment in 75 percent of reported cases, according to the U.S. Department of Health and Human Services. What is neglect? Simply put, it is maltreatment of a child that results in harm through acts, such as leaving a child in a hot car, or omissions, such as denying a child adequate food.

There are two types of neglect:

1

General – failing to provide basic needs such as food, clothing, shelter, medical care and supervision, with no physical injury

2

Severe – intentionally failing to provide basic needs that willfully puts a child's life in danger

Neglect is further broken down into:



Physical – failure to provide food, clothing, and/or safe home environment



Medical – failure to provide appropriate medical/dental care



Emotional – failure to provide adequate nurturing, affection or interaction



Educational – failure to enroll in school or provide proper home-schooling

Since 43 percent of children in the United States live in low-income families, how can you distinguish between neglect and a lack of means? There are parental and child red flags you should look for before making a report.



Parents/Caregivers

- Depression
- Domestic violence
- Unemployment
- Poverty
- Lack of social support
- Mental illness/mood disorders
- History of abuse as a child
- Substance abuse



Children

- Dirty, ill-fitting clothes
- Poor hygiene
- Failure to thrive or malnourished
- Severe dental cavities, untreated illnesses or injuries
- Developmental delays and self-abusive behaviors
- Socially withdrawn and frequently unsupervised
- Frequently tardy or absent from school
- Behavioral problems such as anxiety or aggression

Other neglect red flags include unsecured toxic substances such as cleaners or medications, unsecured guns or weapons, choking hazards, and trash, insects or animal wastes within reach of children.

Illegal drug activities in a home that include manufacturing, exposing, selling, using or subjecting a child to passive or intentional exposure should be reported, although this is not mandated in all states. This can also include reporting prenatal drug exposure.

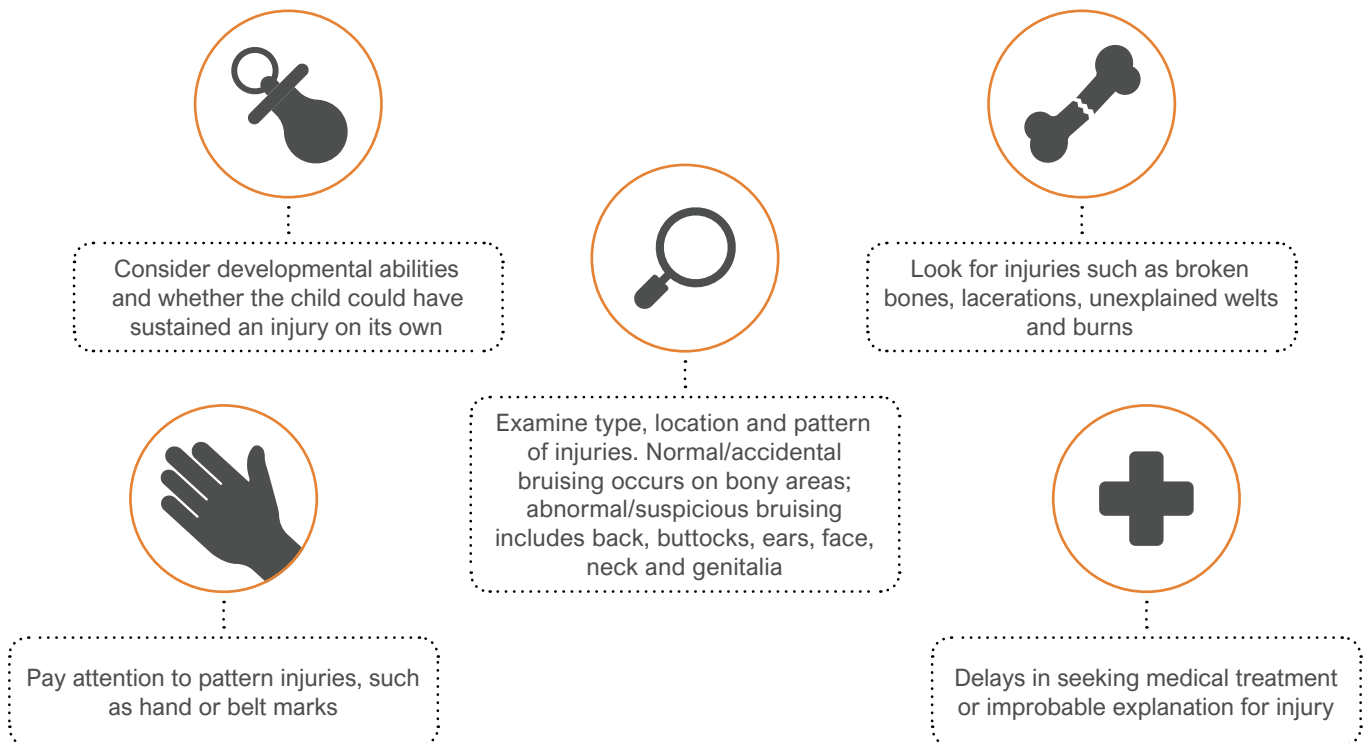
Identifying physical abuse can be tricky sometimes. Let's move on to some signs of physical maltreatment.

Identifying Physical Abuse and Red Flags

Is the bruise on a child the result of abuse or just an usual childhood mishap? It may not be easy to tell from the first glance. The Children's Bureau of the U.S. Department of Health and Human Services states that 17 percent of child maltreatment cases involved physical abuse.

Physical abuse includes injuries such as bruises, burns, or broken bones that result from intentional physical episodes. Incidents can be one-time or repeated patterns and can sometimes result from the unintentional effect of over-discipline. The type and pattern of injuries can help you distinguish accidents from abuse.

What should you look for to identify abuse?



Caregivers may suffer from depression or other mental illnesses. They may use objects to discipline a child and hold rigid childrearing beliefs and unrealistic expectations of a child. The caregiver may believe a child is "bad," berating or subjecting the child to abuse.

Children exhibit signs when being physically abused such as:

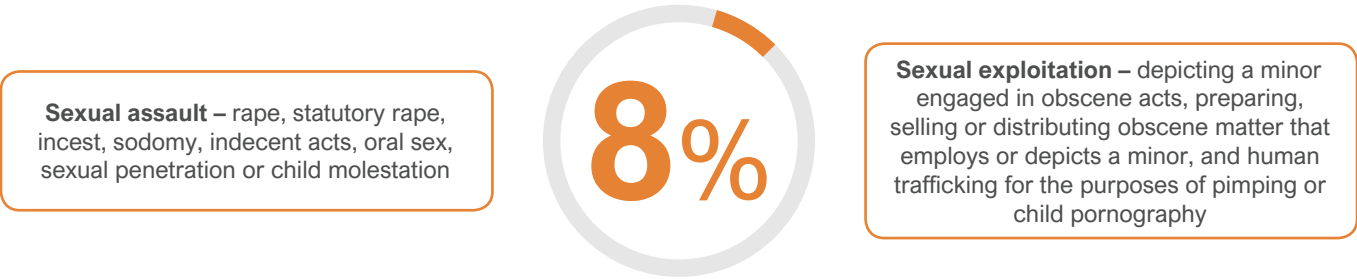
- Hostile, aggressive or verbally abusive to others
- Afraid of parents/caregivers and always on the alert
- Fearful and withdrawn
- Frequent school absences and attempts to hide injuries
- Self-destructive or destructive toward property
- Shies away or flinches at touch

Before reporting, consider whether the injury is unusual for the child's age, whether the child has a history of previous or recurring injuries and if there are any unexplained injuries.

Sexual abuse of children is especially heinous. Let's find out more about this topic and how to identify its victims.

Identifying Sexual Abuse and Red Flags

The U.S. Department of Health and Human Services, Children’s Bureau, show eight percent of child maltreatment involved sexual abuse. There are two types of sexual abuse:



Sexual abuse may have no warning signs. Often the perpetrators are family members, friends, or community members. Some red flags to look for are:

- | | |
|--|--|
| • Trouble walking or sitting | • Exhibits Post-traumatic Stress Disorder symptoms |
| • Avoiding a specific person without an obvious reason | • Has sexually transmitted infections or pregnancy |
| • Demonstrates sexual acts with other children or toys | • Runs away from home |
| • Molests other children | |

Sexual abuse causes guilt, shame and embarrassment for the victim, so the abuse may not be reported at the time it is occurring, or it is reported years later. The abuser may intimidate the victim or make the victim feel that disclosure will hurt the entire family.

Sexual abuse leaves long lasting scars that can take years to begin to heal. Emotional abuse also can be underground and difficult to uncover. Let’s look at some identifiers.



Identifying Emotional Abuse and Red Flags

Is a child emotionally abused or emotionally disturbed? It can be difficult to ascertain at first glance. Some emotionally abused children may be delayed in speech and learning areas. One way to tell the difference is to watch the parents or caregiver, as their behavior can reveal what is going on.

What is the difference between emotional disturbance and emotional abuse? Emotional disturbance is a diagnosed condition where parents/caregivers know the child has a problem, show concern and actively seek help.

Emotional abuse occurs when parents/caregivers ignore the problem or blame the child, seem unconcerned about inappropriate behaviors, and often refuse help.



Emotional abuse is almost always found in cases where other forms of abuse occur. Red flags identified in other areas apply to emotional abuse with the addition of:

- Excessively withdrawn, fearful or anxious
- Excessively worried about doing something wrong
- Shows extremes in behavior
- Has no emotional attachment to parent/care-giver
- Acts inappropriate for age, either too adult-like or too infantile



Domestic violence may not pose physical injury to a child, but the witnessing of it can have dire consequences and can be reported as emotional abuse in many states. Children who live with domestic violence exhibit behaviors such as:

- More aggressive and anxious
- Less successful in school and social situations
- Higher risk for delinquent behavior
- Develop separation anxiety
- Trouble sleeping and have frequent nightmares

Much of the maltreatment of children is difficult to identify. One of the most terrible forms of abuse is human trafficking. Let's learn more about the details.




Human Trafficking

If you think human trafficking does not happen in your neighborhood, think again. The International Labour Organization, part of the United Nations, says one out of every six endangered runaways were sex trafficking victims. Trafficking is the modern equivalent of slavery.

How do traffickers recruit their victims? They prey on the most vulnerable through social media websites, telephone chat-lines, after-school programs, clubs, shopping malls and even have networks on school and college campuses. Victims can be as young as nine years old. 86 percent of trafficked children were in the care of social services when they went missing.

When children face challenging situations at home, they are most vulnerable to becoming trafficking victims. Trafficking includes:



- Forced labor
- Domestic servitude
- Commercial sexual exploitation, with 21 percent of these victims under the age of 18

Traffickers keep their victims enslaved by using violence, threats, deception, debt bondage and other manipulative tactics to force them to continue to engage in trafficking activities.

What are the red flags if you suspect trafficking?

- | | |
|--|---|
| • Unexplained school absences or irregular attendance | • Drug addiction symptoms |
| • Frequently runs away | • Coached or rehearsed responses to questions |
| • Makes references to travel to other cities | • Promiscuous conduct |
| • Exhibits physical trauma and fearful, anxious behaviors | • May have older “boyfriend” or “girlfriend” |
| • Lacks control over schedule and identification documents | • Attempts to conceal recent scars |
| • Hungry, malnourished or dressed inappropriately | |

If a child is a victim of labor trafficking, additional signs can be a need to pay off a debt, not be willing to share too much information for safety of family, works long hours for little money, or is caring for children not from his/her own family.

While talking to a child directly about what is going on seems the best way to find out information for reporting, it can be a delicate process. Let’s find out the best way to proceed.

Talking to Children and Privileged Communication

The best place to begin when talking to a child you suspect has been maltreated is to use open-ended questions about what happened to cause the problem and why the child is exhibiting certain behaviors. Provide a safe, comfortable setting and reassure the child she/he is not in any trouble.

Once you have established the safe place, continue by:



Remember, as a mandated reporter, your responsibility is to report the abuse, not to investigate it. Child Protective Services (CPS) workers are specifically trained to interview and investigate claims of abuse.

Educational institutions are the primary reporters of abuse, although other institutions and professions, such as camps, religious institutions and law enforcement, play a key role. These organizations formally identify and train mandated reporters who have a duty to report abuse. Mandated reporters must sign a statement that is retained by their employer.

Educational personnel file the highest percentage of reports, followed by law enforcement, then social services. Educators work closely with children and can observe changes day-to-day that others may miss.

Are mandatory reporters bound by confidentiality through privileged communication? Privileged communication is the statutory right to maintain confidential communication between clients, patients and congregants. State laws vary, but most agree that this type of confidentiality is restricted in order to protect maltreated children.

If you suspect a child is being maltreated, what is the procedure to report it? Let's examine the details.



Reporting

As a mandated reporter, you are required to report suspected neglect or abuse to your local child protection authorities. It is considered a crime if you do not file a report. Your first step is to determine what you need to report:



Next, know the circumstances requiring you to report for your state. You will be required to report the facts and circumstances that led you to suspect maltreatment. Just telling someone in your organization your suspicions is not a substitute for filing an official report with a child protective agency or law enforcement.

What needs to be in a report?



A written report should be filed within 36 hours using your state's Department of Justice report form. These requirements also apply to permissive reporters.

If you suspect a colleague of maltreatment, whether through observation or disclosure, it is incumbent on you to report those suspicions as well.

Mandated reporters' names must be on the form. This is kept confidential and only given to child protective agencies, counsel and district attorneys, licensing agencies, when a court order is issued, or if the reporter waives confidentiality. Mandated reporters have immunity from state criminal or civil liability for reporting as required. The content of the report is also kept confidential and only disclosed to agencies and personnel working in an official capacity.

What if a mandated reporter fails to report suspected abuse? You could be found guilty of a crime that results in jail time, fines or both. You can also be subject to a civil lawsuit and liable for damages, especially if further victimization occurs. Educators can lose licenses and credentials.

Remember, an employer cannot penalize you for making a good-faith report and can be liable for damages. Making a false report is illegal in many states. Any person who willfully makes a false report is subject to penalties.

What happens after the report is filed? Let's see how the process concludes.

Conclusion – Reporting Aftermath and Child Protective Services

The U.S. Department of Health and Human Services, Children’s Bureau, recently reported there were 4 million reports alleging maltreatment of 7.2 million children referred to Child Protective Services. Of that number, 3.4 million received an investigation or alternative response services.

With such large numbers to contend with, the investigation process starts with law enforcement or Child Protective Services. In serious situations a response is immediate. Once the investigation is completed, the investigating agency contacts the mandated reporter with the results of the investigation and action is taken.

Reports are categorized as:



- ☐ **Unfounded** – report was false, improbable, accidental injury or not child abuse as defined by law
- ☒ **Substantiated** – report was investigated and determined to be abuse as defined by law
- ☐ **Inconclusive** – insufficient evidence to prove child abuse or neglect

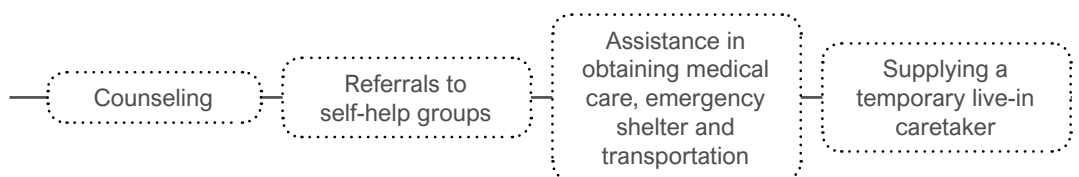
Most states maintain a report database to keep track of child abuse offenders, enable a history search of applications for child care licenses, and enable notification of victims and suspects in prior child abuse cases.

What is Child Protective Services (CPS) and what role does it play? Child Protective Services is part of a government agency, the Department of Social Services. The goal is to provide protection for children at risk for abuse and neglect, support parents and caregivers, and strengthen families to promote safe and nurturing homes for children.

CPS workers assess situations and offer services and resources to help families stay together. They also screen and investigate child maltreatment reports, refer families to community services, and provide support services in the home to foster care youth in transition to adulthood. They can also recommend out-of-home placements with the goal of reunifying the family. Termination of parental rights and permanent placements are only considered in severe abuse cases.

Many caregivers are ill-equipped to care for children appropriately, so CPS offers:

CPS
Child Protective Services



Remember, being a mandated reporter is an important responsibility to ensure the safety of children. Armed with the knowledge to recognize red flags and knowing how to be in compliance, your efforts to be on the front line of creating a safe, nurturing and abuse-free environment for all children will make the world a better place. Prevention begins with you.



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