

Reporting Child Maltreatment: Abuse and Neglect

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Introduction

- Designed to provide students with *thimbleful* of knowledge needed in internships and future practice venues
- My background includes >15 years in child welfare practice and >28 years of teaching social work in the Bay Area
- Caution about content & what prevalence tells us about this audience

Overview of Presentation

- **Setting the scene for data-lovers:
child maltreatment prevalence & incidence**
- **How the data help us value reporting**
- **Diversity in child-rearing & child discipline:
competence for family advocacy**
- **Major types of child maltreatment: physical abuse,
sexual abuse, neglect, and emotional abuse**
- **Complying with the CA law**
- **Q & A**



For Our Beloved Data Geeks: Prevalence of Child Maltreatment in the US

SOURCES: 2011 US Census; US Children's Bureau; www.ChildStats.gov; Adoption and Foster Care Analysis and Reporting System (AFCARS, July 2012); and NCANDS 2011

- There are ~74 mil. children in the 50 states, PR, & DC
- Children = ~23% of the US population
- By 2050, ~ ½ of the US child-population is projected to be Hispanic, Asian, or of two or more races
- In 2009, CPS agencies received ~3.6 million referrals re: ~3 million children, 40.3 unique children per 1000; a ratio that has slightly fluctuated downward since 2005, & more since 1990s
- 62.5% of referrals were assigned as reports for investigation or assessment (~1.5 mil. children); 37.5% of referrals (~900,000 children) were screened out; <24% of investigations found at least one child victim

Data, cont'd.



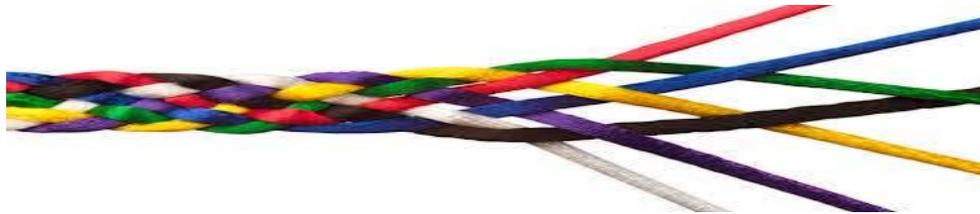
- In 2011, there were approximately 742,000 instances of confirmed child maltreatment
- **Well over $\frac{1}{2}$ of all *substantiated* reports are made by professional sources (57.9% of all reports); while nonprofessional sources (only 28.5% of those reporting) are substantiated almost $\frac{3}{4}$ of the time.**
- In 2011, the number of children in foster care = 400,540, reduced by ~87,000 between 2007 and 2011 (22% between 2002 & 2010)

Federal minimum definition of abuse and neglect

From the *Child Abuse Prevention and Treatment Act* (CAPTA), (42 U.S.C.A. §5106g), reauthorized in 2010

- Any recent **act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm.**
- Most States recognize **four major types of child maltreatment**: neglect, physical abuse, psychological maltreatment, and sexual abuse.
- Although any of the forms of child maltreatment may be found separately, they also can occur in combination.

Diversity in Child Rearing & Discipline: Toward Family Advocacy



Thoughts on “discipline” & where families run afoul of protection advocates: historical contexts & traumas

Tension between parents’ rights & children’s rights

Culturally aware, sensitive, positive, & strength-based investigations & adjudications – your contributions

Where to find CA Child Abuse Reporting Laws

Penal Code Sections
11164 through 11174



- Other laws governing child welfare matters may be found within
 - the **Welfare & Institutions (W&I) Code**, section 300
 - The children covered by this section are called '*dependents* of the court'
 - Their cases are overseen by the Juvenile Court
 - the **Evidence Code**
 - the **Family Code**
 - the **Business & Professions Code**
- Differentiate from W&I Code sections dealing with juvenile *delinquents* (Section 602) which calls children in its jurisdiction '*wards* of the court'
- Differentiate from W&I Code Section 601 which addresses other juveniles as '*status offenders*' when their actions are only illegal by virtue of their age (status).



The CA Child Abuse & Neglect Reporting Law

Two key resources:

- <http://mandatedreporterca.com/images/Pub132.pdf>
- <http://mandatedreporterca.com/>



Why Report?



- Dual purposes:
 - To protect children AND
 - To strengthen families
- You are reliable & trained observers of behavior
- Mandated reporters weave a web of safety, even when they don't know each other
- Aggregated reports, esp from mandated reporters, are highly valued by screeners (if not, go up the chain!)
- **You can get consultation from the screeners** – they can guide you to the practices used in your county

Who Reports

The “usual suspects”:

- Educators
- Medical providers
- Therapists
- Clergy
- Law enforcement
- Community Care licensing
- Camp staff & other
- Firefighters & animal control
- Photo film processors

The “new kids on the block” in 2013:

- Commercial computer technicians
- Paid athletic coaches
- Administrator or Director of a public or private organization





Reasonable Suspicion of

- Physical Abuse
- General Neglect
- Severe Neglect
- Sexual Abuse
- Emotional Abuse

What to Report





Physical Abuse: Differentiating Injuries & Marks

- **Bruises**
- **Fractures**
- **Bites**
- **Burns/Scalds**
- **Loop or cord marks**
- **Missing patches of hair**
- **Genital injuries**

General Neglect

Negligent failure to provide **adequate food, clothing, shelter, medical care, or supervision**, for the age & capacity of the child, with no physical injury (and NOT as the result of poverty)

Substance-exposed infants (per Penal Code 11165.13) are not to be automatically removed from their families. Instead, substance abuse, in and of itself, is regarded as a health issue and not automatically a CPS issue. Relevant recovery and other health resources should be made available.

Severe Neglect

Negligent failure to provide adequately, resulting in **'failure to thrive'** (that causes organic or physical injury)

Types of Neglect



Reporting sexual activity involving minors

- Stick with 'reasonable suspicion'
- Consider child's age, developmental level, vulnerability, & relationship to partner/ perpetrator
- Children's exposures today might confuse mandated reporters, so seek consultation
- The 'checkerboard', or policy-making run amok!
 - ❖ Understanding Confidentiality & Minor Consent in CA: An Adolescent Provider Toolkit, p. A-8 (copy in your packet)

Child Sexual Abuse



When to Report

- By Phone IMMEDIATELY



List of CA
county #s in
your packet.



- In Writing within 36 hours



Sample form
in your packet
(SS 8572
Rev 12/02)



Report to Whom?

- Law Enforcement
- OR
- Child Welfare



Considerations?

Q & A on Immunities for Mandated Reporters

- Can I be sued for making an abuse report that turns out not to be true? No, you have both criminal & civil immunity.
- Can my boss, supervisor, principal, etc, stop me from making a child abuse report? No, nor may they sanction, punish or fire you for making a report.
- What about when several of us on the team are all mandated reporters? Teams may designate one among them to make their reports.





Fine of up to \$1000 and/or jail up to 6 months for FAILURE to report!

Liabilities for Mandated Reporters

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What will happen after I report?

Will I find out what happened to my report?

Briefly, and Yes, BUT...

- Screener > Supervisor > Assignment to Worker OR Filed for History/Record-keeping
- If assignment > investigation/ assessment (without revealing source of report, under penalty of fine/jail) >
- Determination re: Referrals, Removal/ Filing in Court, Informal Programs, or Closure
- Court *may* reveal source of reports
- Mandated reporters *should* be notified of outcome, but in practice, YOU may have to call back.



Post-Reporting Relationships with Families in Treatment

- **SHOULD I TELL THE CHILD AND/ OR PARENT(S) THAT I MADE THE CHILD ABUSE REPORT?** (pp. 19-20)



- **HOW CAN I CONTINUE TO WORK WITH THE FAMILY AFTER I'VE MADE A CHILD ABUSE REPORT?** (pp. 26-28, 33)

Berkeley Social Welfare YOUR Questions?



Thank you for your
attention!

