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


- 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 ½ 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 ¾ 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/
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
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)
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!
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
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)
YOUR Questions?

Thank you for your attention!