

**Child Abuse:
recognition and reporting**

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February 3, 2016

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Learning Objectives

- Identify child rights that must be fulfilled by every parent/caregiver
- Define child abuse, including its four main categories
- Recognize signs and symptoms of child abuse
- Identify the common risk and protective factors linked to child abuse
- Describe California state laws pertaining to child abuse and mandated reporting
- Identify child abuse resources

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Why learn about child abuse?

- In 2012: Child Protective Services received 3.4 million referrals
 - 686,000 were substantiated
 - 78%: neglect
 - 18%: physical abuse
- 1,640 children died due to maltreatment – 70% were under age 3
- 80.3% of perpetrators were parents
- 54% of perpetrators were women

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Why learn about child abuse?

- In 2013: 3.5 million referrals
 - 670,000 substantiated
 - 1,520 fatalities
- CPS reports may underestimate true occurrence of abuse and neglect

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Why learn about child abuse?

- Even after abuse has ended, it has long-lasting effects
- Abused children are likely to have lingering problems
 - Difficulties in school
 - Substance abuse
 - Teen pregnancy
 - Acting out
 - Violent behavior
- Financial burden due to emergency/outpatient treatment, foster care, therapy, special education, prison facilities
 - Total cost of child maltreatment: \$124 billion each year

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Child Rights

- The Convention on the Rights of the Child (UN Human Rights -1989)
 - Set civil, political, economic, social, health, and cultural rights of children
 - Defines a child as any human person who has not reached the age of 18 years
 - Child rights must be fulfilled by every parent/caregiver to the level of their socioeconomic capacity

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Child Rights

- **Right to education**
 - Access to quality, free, compulsory primary education
 - Right to leisure, recreation, and cultural activities
- **Right to maintenance & health**
 - Access to quality health services
 - Rights of children with disabilities
 - Right to benefit from social security
 - Right to an adequate standard of living
- **Right to special protection**
 - From all forms of exploitation
 - From violence against children (physical, psychological, sexual)

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Child Abuse Prevention and Treatment Act (CAPTA)

- **Passed by Congress in 1974 to authorize federal funds towards improvement of state response to physical abuse, neglect, and sexual abuse of minors**
- **Child Abuse:** 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.

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Required CAPTA Data Items

- Each state that receives a federal grant must provide annual report including:
 - Number of children reported as victims of abuse or neglect
 - Number of reports that were substantiated, unsubstantiated, or determined to be false
 - Number of children who received services, who did not receive services, and who were removed from their families
 - Number of families that received preventive services
 - Number of deaths due to child abuse/neglect

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Definition of child abuse

- **Non-accidental physical or emotional injury caused by the acts, or failures to act, of parents or individuals responsible for the child's care**
- Child abuse occurs when the parent or any person responsible for a child's welfare:
 - Injures the child, physically or mentally
 - Allows to be inflicted upon the child physical or mental injury
 - Engages in acts or omissions that present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment

Child abuse happens in all socioeconomic, ethnic, cultural, occupational, religious, and age groups.

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Four types of child abuse

- Physical
- Sexual
- Emotional
- Neglect

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Physical abuse

- Any act which, regardless of intent, results in a non-accidental physical injury
- Examples:
 - Intentional assaults: burning, biting, cutting, twisting limbs
 - Shaking child under age of three
 - Interfering with child's breathing
 - Threatening a child with a deadly weapon
 - Frustrated or angry parent strikes, shakes, or throws a child

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Neglect

- Actions or failures to act that result in injury or create a substantial risk of injury to a child's physical, emotional, and/or cognitive development

- Failure to provide for a child's physical needs:

- Nutrition
- Clothing
- Shelter
- Medical care
- Education
- Supervision

Poverty and/or homelessness is not neglect.

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Emotional abuse

- Pattern of behaviors that harm the child's emotional development and sense of self
- Failure of a parent/caregiver to provide an appropriate and supportive environment
- Damages a child intellectually and/or psychologically

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Emotional abuse

- Includes
 - Blaming
 - Belittling
 - Rejecting
 - Ridicule
 - Intimidation
 - Withholding love and support
 - Witnessing domestic violence

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Sexual abuse

- Occurs when the parent or any person responsible for the child's welfare:
 - Commits or allows to be committed against the child a sexual offense, or
 - Engages in acts or omissions that present a substantial risk that a sexual offense may be committed against the child

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Sexual abuse

- **Sexual assault**
 - Sex acts with children
 - Intentional masturbation in the presence of children
 - Child molestation
- **Sexual exploitation**
 - Preparing, selling, or distributing pornographic materials involving children
 - Performances involving obscene sexual conduct
 - Child prostitution

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Sexual abuse

- Predators target children with obvious vulnerabilities
 - Child who feels unloved/unpopular
 - Has family problems
 - Spends time alone and is often unsupervised
 - Lacks confidence and self esteem
 - Isolated from peers

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Statistics

- 1 in 3 girls is sexually abused before the age of 18
- 1 in 5 boys is sexually abused before the age of 18
- 30% of sexual abuse is never reported
- 70% of all reported sexual assaults (including on adults) occur to children 17 years of age and younger
- 90% of child sexual abuse victims know the perpetrator
- 38% of sexual abusers of boys are female

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Child abuse is more likely to happen in homes where there is:

- Stress of poverty and unemployment
- Lack of social support for parents
- Conflict and/or violence between spouses/partners
- Limited child development knowledge
- Child with special needs

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Child abuse is more likely to occur when parents/caregivers:

- Abuse alcohol or other substances
- Have mental health problems
- Are highly vulnerable to stress of child rearing
- Have low self esteem
- Use physical punishment instead of positive guidance
- Have unrealistic expectations of their children’s abilities

Common signs of child abuse

Type of Abuse	Physical Signs	Behavioral Signs
Physical	• Bruises and marks on face, neck, back, buttocks, arms, thighs, ankles, abdomen, genitals, back of legs • Burns or injuries in the shape of objects (bite marks, hand prints, cigarette burns, belt buckle markings) • Unexplained or several broken bones (especially ribs), skull fracture, or other major head injury	• Regression to earlier behaviors (thumb sucking, bed wetting, fear of dark) • Avoidance of adult contact • Behavioral extremes: passive or aggressive • Fear when other children cry • Wearing clothes inappropriate for weather to cover injured body part

Normal vs Suspicious Injuries

- Knees
 - Elbows
 - Forehead
 - Hands
 - Chin
 - Nose
- Upper, middle, or lower back
 - Back of neck
 - Buttocks
 - Back of legs
 - Back of knees
 - Back of arms and hands (injuries sustained when child tries to defend him/herself)

Bruises

- Fresh injury: red to blue
- 1-3 days: deep black or purple
- 3-6 days: color changes from green to brown
- 6-15 days: green to tan to yellow to faded, then disappears

Common signs of child abuse

Type of Abuse	Physical Signs	Behavioral Signs
Emotional	- Delayed physical, emotional, or intellectual development - Regression of habits not developmentally appropriate: rocking, sucking on fingers	- Withdrawal - Lack of energy - Decreased social contact - Fear of parent/caregiver - Empty facial expressions

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Common signs of child abuse

Type of Abuse	Physical Signs	Behavioral Signs
Sexual	- Pain, itching, bruising, swelling, or bleeding around genital area - Stained or bloody underwear - Difficulty sitting or walking - STD	- Child reports sexual abuse - Frequent touching of genitals - Excessive bathing - Acting out abuse on dolls/friends - Sudden avoidance of certain adults - Unusual sexual knowledge/behavior above developmental age - Sudden change in appetite

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Common signs of child abuse

Type of Abuse	Physical Signs	Behavioral Signs
Neglect	- Inappropriate clothes - Poor hygiene - Consistent hunger - Unaddressed medical needs - Repeat cases of head lice - Parent/caregiver impaired because of substance abuse or physical/mental illness	- Tiredness or lack of energy - Whispering speech - Frequent absences or lateness - Begs for or hoards food - States frequent absence of parent or guardian - Lack of adult supervision for long periods of time

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Factors linked to child abuse: child

Risk Factors	Protective Factors
- Emotional/behavioral difficulties - Child with special needs - Premature birth - Unwanted child	- Emotionally satisfying relationships - Availability of caring family members - Presence of positive adult role models

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Factors linked to child abuse: parent

Risk Factors	Protective Factors
• Poor parenting skills/abilities • Limited knowledge of child development • History of abuse • Substance abuse or mental illness • Unrealistic expectation of child's behavior/development • Teenage pregnancy • Multiple young children	• Supportive adults present at birth of child • Emotionally satisfying relationships with others • High level of education in mother • Positive parenting skills and abilities • Accurate development of child development

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Factors linked to child abuse: family

Risk Factors	Protective Factors
• Stress in parents • Domestic violence • Isolated from extended family • Social isolation • Single parent • Poverty	• Availability of caring family members • Presence of positive adult role models • Family harmony • Social support

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Factors linked to child abuse: community

Risk Factors	Protective Factors
• Unemployment • Poverty • Poor housing • Neighborhood crime • Lack of social services • Levels of acceptable violence • Acceptable corporal punishment	• Stable and connected neighborhoods • Access to good health care, education, and employment services • Availability of caring friends, teachers, and neighbors

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Child Abuse and Neglect Reporting Act (CANRA)

- Enacted in 1963
- First child abuse reporting law in CA
- Initially pertained only to physicians, but later expanded mandated reporting to many other professions

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Child abuse and neglect – CANRA definition

- Physical abuse
- Sexual abuse (assault and exploitation)
- Willful cruelty
- Unjustified punishment
- Unlawful corporal punishment or injury
- Neglect (acts and omissions)

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Child Abuse and Neglect Reporting Act (CANRA)

- Child abuse does not include
 - A mutual affray between minors
 - Reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer
 - An amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil
- A child receiving treatment by spiritual means, or not receiving specified medical treatment for religious reasons. An informed and appropriate medical decision made by parent or guardian after consultation with a physician who has examined the minor does not constitute neglect.

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California Law

- Child abuse is a crime
- California Child Abuse Reporting Law (Penal Code Sections 11165-11174.3) allows public agencies to step in to protect children if they are being neglected or maltreated
- All suspected abuse must be reported
- Legal duty to report overrides the ethical duty to protect confidentiality
- Failure to report: misdemeanor, up to 6 months in jail, up to \$1000 fine, or both; can also lead to civil lawsuits
- Reporters not required to collect evidence – that is done by Child Protective Services

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Mandatory Reporters

- All 50 states identify persons who are required to report suspected child maltreatment to an appropriate agency
 - Child Protective Services
 - Law enforcement agency
 - State's toll-free child abuse reporting hotline
- Each state has its own definition of child abuse that is based on standard set by federal law (CAPTA – 1974)

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CA: Mandated Reporters

- Teachers, teacher's aides, administrators, and employees of public or private schools
- Administrators or employees of day camps, youth centers, or youth recreation programs
- Foster care parents, group home personnel
- Social workers, probation officers, parole officers
- Employees of school district police or security departments
- Physicians, surgeons, psychiatrists, psychologists, dentists, interns, podiatrists, **optometrists**, marriage and family therapists, social workers
- Coroners and medical examiners
- Commercial film and photographic or image processors

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In CA, a report is required when:

a mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the reporter knows or ***reasonably suspects*** is the victim of abuse or neglect

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Reasonable suspicion

- Objectively reasonable for a person to entertain a suspicion, based on facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse or neglect
- Does *not* require certainty that child abuse/neglect has occurred
- Does *not* require specific medical indication of child abuse/neglect

If you suspect, report!

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Determining reasonable suspicion

- Cultural considerations – mandated reporters must:
 - Recognize and reject own preexisting beliefs and biases
 - Become educated about culture(s) they interact with professionally
 - Focus on understanding information provided by individuals within the particular context
- Be cognizant of cultural influences when assessing information/behavior
- Educate individuals and families from other cultures about American cultural expectations, practices, and traditions

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Tips for responding to disclosure

- Conduct discussion in private
- Sit next to child rather behind a table or desk
- Be on same eye level as child
- Speak language the child understands
- Control own emotional response (do not express shock/disapproval/disgust)
- Allow child to tell experience in their own words (no leading/suggestive questions)
- Do not paraphrase

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Tips for responding to disclosure

- Reassure child he/she is not responsible for the abuse
- Do not interrogate or interview the child
- Find out what the child wants from you
- Validate the child's feelings
- Believe the child and be supportive
- Let the child know what you will do
- Do not make promises you cannot keep
- Tell the child he/she was brave and did the right thing in telling you

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What to do

- Immediately tell child you believe them
- Assure child he/she was very brave and correct to tell you
- Acknowledge it is difficult to talk about
- Assure child he/she is not responsible and did not deserve the abuse
- Ensure the child feels safe after disclosure

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What not to do

- Panic or show shock
- Never give impression that you may blame the child
 - Don't ask: why did you let him/her
 - Don't ask: what were you doing there anyway?
 - Don't ask: why didn't you tell me before
- Do not promise that you will not tell anyone even if the child asks you to keep it a secret
- Don't ask intrusive questions – listen, but don't push for more answers

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Barriers to reporting

- **Denial** – you must recognize that abuse can happen in any family/socioeconomic context
- **Rationalizing** – if any doubt exists, no matter how small, assessment should continue
- **Betrayal** – fear that reporting will betray trust between provider and family; however, reporters must approach suspected abuse as mandatory duty to protect children
- **Family breakup** – few child abuse reports actually lead to removal of child from his/her home; child is only removed if CPS professionals determine that there is imminent danger to the child

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Making the report

- Can be difficult
 - How will suspect react?
 - How will victim react?
 - What will the outcome be?
 - Will the report put the child at greater risk?
- Necessitates a team effort
 - Mandated reporters
 - Child protection workers
 - Law enforcement
 - Medical personnel
 - Mental health professionals

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Disclosure of reporter identity

- Reporter identity shall be confidential and disclosed only
 - Among agencies receiving or investigating mandated reports
 - To the prosecutor in a criminal prosecution
 - To a licensing agency when abuse or neglect in out-of-home care is reasonably suspected
 - When the reporter waives confidentiality
 - By court order

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Steps to reporting suspected child abuse

- Report suspicion to Child Protective Services or the police or sheriff's department
- Telephone immediately or as soon as possible.
- Write a report within 36 hours of receiving disclosure – duty to report is incomplete until report is written
- Written report must be submitted on a Department of Justice form, which can be obtained at www.ag.ca.gov/childabuse, the police or sheriff's department, or county welfare department

Hard proof is not needed to make a report!

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Reports must include:

- Reporter's name, title, and category
- Business/agency name and address
- Daytime phone and date of report
- Specify whether mandated reporter witnessed the incident
- Signature: by mandated reporter if written; by person taking telephoned report if verbal

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What happens after report is made?

- Child welfare and/or law enforcement agencies are responsible for investigating once report is made
- Age of child, seriousness of allegation, identity of suspected abuser, and his/her access to the child are important factors when determining level of intervention
- If child appears to be in immediate danger, an emergency response worker will be dispatched together with law enforcement
- If child is not in imminent danger, it can take 3-10 days for child protection worker to begin investigation
- A report does not always mean that a civil or criminal proceeding will be initiated against suspected abuser

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What happens after report is made?

- Report is assessed to determine if immediate action is necessary
 - Case dismissed as unfounded/inconclusive
 - Case officially opened
 - Services offered, but family refuses
 - Regular in-home supervision is conducted
 - Child is taken into protective custody
 - Criminal charges are filed for prosecution

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Feedback to mandated reporter

- After report is made, CPS workers and/or law enforcement officers may contact reporter to get additional information to aid in the investigation
- Reporters may receive subpoena requiring testimony in court
- After investigation is complete, the investigating agency informs the reporter of the results of the investigation and the action the agency is taking

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If abuser is family member

- Focus of intervention is to ensure safety of child
- Child protection worker has responsibility to assess situation and offer services/resources to enable families to stay together whenever possible
 - Referrals to counseling
 - Parenting classes
 - Substance abuse treatment
 - Assistance in obtaining medical care, emergency shelter, or transportation
 - Facilitating reunification of family if removal becomes necessary

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Safeguards for mandated reporters

- Immunity from criminal or civil liability for reporting even if the knowledge or reasonable suspicion of abuse was acquired outside their professional capacity or scope of employment
- Not liable civilly or criminally for photographing the victim and disseminating the photograph with the report
- No supervisor or administrator may impede or inhibit a report or subject the reporting person to any sanction
- Identity of reporting party and contents of child abuse report are confidential and may only be disclosed to specified persons and agencies

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Penalties for failure to report

- May be civilly liable for damages, especially if the child is further victimized due to failure to report
- If abuse does not result in death or great bodily injury:
 - Misdemeanor charge, and
 - Six months in county jail and/or
 - Up to \$1000 fine
- If abuse or neglect results in death or great bodily injury:
 - 1 year in jail and/or
 - Up to \$5000 fine

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Stay up to date

- Mandated reporters must keep updated on periodic amendments to the law
- The California Child Abuse and Neglect Reporting Law is found in Penal Code Sections 11164-11174.3
- www.leginfo.ca.gov

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Additional Resources

- University of Nevada - Child Abuse Recognition and Reporting; A self-study guide for people working with children: www.unce.unr.edu
- www.childwelfare.gov
- www.mandaterreporter.ca.com
- California Childcare Health Program: www.ucsfchildcarehealth.org
- National child abuse and neglect data systems:
<http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>
- <http://www.cde.ca.gov/ls/ss/ap/>
- <http://www.dss.cahwnet.gov/cdssweb/PG93.htm>
- <http://www.cde.ca.gov/ls/ss/ap/childabuserreportingguide.asp>

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QUESTIONS?

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