MAKING A TOUGH CALL: 
The Decision to Report Suspected Child Maltreatment

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Opening Doors: Partnerships for Prevention & Healing
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Outline
- Setting the Stage: Mandated Reporting in NJ
- The Role of Mandated Reporters
- Defining Child Abuse, Neglect and other forms of Maltreatment
- Identifying Child Maltreatment
- Making the Tough Call
Setting the Stage: Mandated Reporting in New Jersey

- ALL PERSONS IN NEW JERSEY (residents and not) are mandated reporters of child abuse and neglect
- However, this is NOT an easy decision
  - It involves a process
  - The more you think about the decision, the easier it will be to make.

History of Mandated Reporting Laws

- C. Henry Kempe et al. article in JAMA(1962)
  - Studied new technology
    - X-ray
    - Found series of unexplained healed fractures in children
    - Only explanation- ABUSE
- Physicians first mandated reporters
History of Mandated Reporting Laws

- **Idea:**
  - Require professionals with substantial contact with children and families to report suspected child maltreatment.
  - The government can step in and protect children before children are irreversibly harmed.

- **By 1967:**
  - All 50 states and DC passed legislation requiring doctors and other medical personnel to report suspected child maltreatment.
  - Five years after passing mandatory reporting legislation in New York State, child fatalities dropped by 50%.

Limitations of Original MR Laws

- Limited in who were MRs
  - Original legislation only applied to doctors and other medical personnel.

- Restricted types of behaviors that were reportable
  - "serious physical injuries" and/or what they suspected were "non-accidental injuries".

- Other forms of maltreatment, including emotional abuse and neglect, did not require a report to the authorities.

- Role and scope has expanded over past 40 years
  - List of mandated reporters in most states is LONG: law enforcement, educational personnel, social service workers, and mental health personnel, dentists, chiropractors, etc...

- **In New Jersey, everyone is a mandated reporter**
Report Sources, 2010

Rate: NJ County
(per 100 children)

Missing:
Passaic, Sussex, Salem, Warren, Gloucester, Mercer, Burlington, Union
Mandated Reporter Research: Under-reporting

Professionals:
• Not clear about legal definitions of abuse/neglect
• Influenced by professional beliefs, values, and experiences

Professionals report only half the incidents they knew about:
• Confusion/misunderstanding about laws & procedures
• Lack of knowledge/ awareness of warning signs/clues
• Concerns for being “wrong”
• Concerns for backlash

Mandated Reporter Research: Over-reporting?

• What does “unsubstantiated” really mean?
  • No abuse/neglect occurring
  • Well meaning reports
  • False reports
  • Not enough evidence of abuse/neglect
  • Burden of proof at investigation is generally LOW
  • State differences
  • Lack of access to complete investigation
  • CPS Caveat
  • Disposition not just related to quality of report, but quality of investigation
Report Disposition: The National Experience

- ¼ of reports are “substantiated”, “indicated”, “alternative response-victim”
- ¾ of reports are unsubstantiated (65%), alt resp-non victim, closed with no finding, false reports, etc.

% Reports Substantiated by NJ County

- Atlantic- 9.08%
- Bergen- 11.91%
- Burlington- 6.97%
- Camden- 13.13%
- Cape May- 12.36%
- Cumberland- 9.31%
- Essex- 11.14%
- Gloucester- 10.19%
- Hudson- 14.13%
- Hunterdon- 15.86%
- Mercer- 9.62%
- Middlesex- 8.18%
- Monmouth- 8.34%
- Morris- 10.77%
- Ocean- 4.47%
- Passaic- 6.78%
- Salem- 7.76%
- Somerset- 12.04%
- Sussex- 5.96%
- Union- 13.13%
- Warren- 7.59%
Differing Disposition by Type of Maltreatment in NJ

- Neglect Only
  - 12% Substantiated
- Multiple Forms of Maltreatment
  - 12% Substantiated
- Medical Neglect Only
  - 9.1% Substantiated
- Sexual Abuse Only
  - 7.8% Substantiated
- Emotional Maltreatment Only
  - 7.8% Substantiated
- Physical Abuse Only
  - 7% Substantiated

Highest SubRate by Reporter Type

Medical Personnel
Law Enforcement
Foster Care/Substitute Care Providers
Missing
Lowest SubRate by Reporter Type

- Foster Care/Substitute Care Providers
- Anonymous Reporter
- Educational Personnel
- Alleged Perpetrators
- Mental Health Professionals
- Alleged Victims
- Friends/Neighbors
- Day Care Providers
- Parents
- Missing

Lowest SubRate of PROFESSIONAL REPORTERS

- Educational Personnel
- Mental Health Professionals
- Missing
Substantiation in NJ by Professional Report Source

- Law Enforcement Overall- 25% Substantiated
  - Highest Substantiation in all Types of Maltreatment
- Medical Personnel- 21%
- Social Services Personnel- 18.7%
- Mental Health Professional- 8.2%
- Educational Personnel- 8%

Barriers to Reports

- When am I REQUIRED to make a report?
- What if my boss doesn’t want me to make a report?
- What if I’m wrong?
- What if I DON’T make a report?
- I’m afraid...
- I’m confused about what’s reportable...
- Can I get help making this decision?
- How do I make a report?
When MUST you make a Report?

- When there is **reasonable cause to suspect** that a child whom the reporter knows is abused or maltreated
- Professional Role vs. Personal Role

Reasonable Cause to Suspect?

- A person can have “**Reasonable Cause to Suspect**” that a child is abused or maltreated if...
  - Based on what you have observed or been told
  - Combined with your training and experience,
  - You feel the harm or imminent danger of harm to the child could be the result of an act or omission by the person legally responsible for the child.
  - Explanations that are inconsistent with your observations and/or knowledge may be the basis for your reasonable suspicion

- **Note:** The reporter should only **BE ABLE TO ENTERTAIN THE POSSIBILITY THAT IT COULD HAVE BEEN ABUSE, NEGLECT OR NONACCIDENTAL** in order to possess the necessary “reasonable cause”.
Legal Standards of Proof

- **Reasonable cause to suspect (10%)**
  - (to report suspected child abuse/neglect)

- **Fair preponderance of the evidence (50%+)**
  - (to substantiate allegation after investigation and for family court judge to adjudicate a finding of abuse/neglect)

- **Clear and convincing evidence (75%)**
  - (for a judge in family court to terminate parental rights)

- **Beyond a reasonable doubt (95%)**
  - (conviction in criminal court)
    - Casey Anthony
    - OJ Simpson

Suspicion is not certainty

- It is not your responsibility to “know” or “prove”, but only to have **Reasonable Suspicion** that abuse or neglect has occurred.
- It is enough for you to **distrust or doubt** what you personally observe or are told.
- A report is NOT an accusation, rather it is a request for an investigation of a suspicious situation.
- **“Reasonableness”**
  - Would another person with similar knowledge and information feel the same way?
MR in the Workplace

- Utilizing Colleagues
- Role of Supervisors
  - Discounting/discouraging
    - Professional retribution for making a report
    - Providing counsel

Retribution for Reporting

- My supervisor is unhappy that I made a report about a family in my caseload. Two weeks later I received a bad evaluation. I think the two are related.
What if I’m Wrong? Can I get in trouble?

- Immunity
- Good Faith Reporting

Immunity: Vignette

- I made a report because I suspected that one of my child clients was being sexually abused. The investigation ended and the report was not substantiated. The parents are furious and told my supervisor that they are going to sue me and the agency.
When can you get in trouble for being wrong?

- False Reporting
- Criminal Liability

False Reporting: Professional Vignette

- One of my colleagues made a physical abuse report against a parent she’s been working with. She told me that she didn’t have any reason to believe there was abuse happening, but she wanted to scare the parent into shaping up and being a better parent.
If I don’t make a report, I can’t get in trouble, right?

- WRONG
- Failure to Report
- Criminal Liability
- Moral Liability

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Failure to Report:
Bedford Hills Case
I’m afraid a parent will do something to me if I make a report…

- Confidentiality of Reporter Identity
- New Jersey law requires the protection of the identity of the reporter

Reporter Confidentiality: Vignette

- I made a report about a family that I serve. I didn’t tell the parents about the report, but they confronted me and told me they know I made the report!
What’s Reportable?

- Any reasonable suspicions that a child has been abused or neglected, or is in imminent danger of such maltreatment.

Distinguishing Types of Maltreatment

- Physical Abuse
- Sexual Abuse
- Neglect
- Emotional/Psychological Maltreatment/Abuse
- Medical Neglect
Relative Reporting of Different Types of Maltreatment

- 67% involve Neglect Allegation
- 31% involve Physical Abuse Allegation
- 7.9% involve Sexual Abuse Allegation
- 0.1 involve Emotional Maltreatment
- 2.4% involve Medical Neglect Allegation

Defining Child Neglect: NJ Law

- Abused child or abused or neglected child means a child younger than age 18 whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent, guardian, or other person having custody and control, to exercise a minimum degree of care:
  - In supplying the child with adequate food, clothing, shelter, education, medical, or surgical care, although financially able to do so or although offered financial or other reasonable means to do so
  - In providing the child with proper supervision or guardianship
Easier Definition of Neglect

- Most generally:
  - Parental failure to meet child’s basic needs, or
  - Parental failure to provide adequate level of care
- Omission, rather than commission

Neglect by the Numbers

- Most commonly reported
  - 1.19 million reports in 2007
- Most unsure of report
Considerations for Determining Neglect

- Intent of parent
- Impact of neglect on child
- Risk of harm enough?
- Failure to protect?
- Impact of Poverty
  - Increased Likelihood of Report
  - Increase in Family/Parental Stress
  - Legal Recognition: “although financially able to do so or although offered financial or other reasonable means to do so”

Vignette

- Nine year old Brenda has a cold with a fever. She was sent to school to be sure she got breakfast and lunch (through school meal program). It is unlikely that she will get dinner at home tonight.
- Considerations?
Educational Neglect

- **Definition**
  - Failure to enroll a child of mandatory school age in school or provide appropriate home schooling (6-16)
  - Inattention to special education needs
  - Allowing child to engage in chronic truancy.

- **Consequences:**
  - Failure to acquire basic life skills
  - Threat to the child’s emotional well-being, physical health, or normal psychological growth and development, particularly when the child has special educational needs that are not met.

Issues that Contribute to Ed Neglect

- Parental Illness, Mental Illness, Substance Abuse
- Familial Stress
- Child Illness, Mental Illness, Substance Abuse
- Problems at School
- Denial of problems (parent and child)
Vignette

- Peter is 14. It is October, and he has 15 absences from school.
- Considerations?

Corporal Punishment

- Definition:
  - Deliberate infliction of pain intended to discipline or reform a wrongdoer or change a person's behavior
- Research generally shows ineffectiveness
- Legal (for parents) in all 50 states
  - Still legal for schools in 21 states
    - Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, Wyoming
- International movement to make completely illegal
  - Illegal in 25 countries
Excessive Corporal Punishment

- Considerations:
  - Intent
  - Does behavior seem cruel?
  - Part of the body affected
  - Frequency
  - Nature and severity (beyond reasonable?)
  - Appropriate for age?
  - Duration?

Issues that Contribute to Excessive Corporal Punishment

- Parent’s Rights/Family Privacy Rights
- Cultural norms
- Parental substance abuse or mental illness
- Child developmental delays and disability (parental stress)
Vignette

- Francis is 14 years old. She doesn’t come home after school. She walks in after midnight obviously drunk. Her distraught single mother slaps her across the face.
- Considerations?

Inadequate Supervision/ Guardianship

- Leaving child alone
- Leaving child with appropriate caregiver, but without proper planning or consent
- Leaving child with inadequate caregiver
- Not keeping a child from engaging in risky or harmful behaviors
Issues that Contribute to Inadequate Supervision

- Poverty
- Lack of Social Supports/Resources
- Parental Mental Illness/Substance Abuse
- Lack of knowledge

Efforts to Address Inadequate Supervision

- Latch-key child services/after-school
- Parental education
- Public awareness campaigns
Vignette

- Kim leaves her 10 year old son, Bobby, home alone for 9 hours while she goes to work.
- Considerations?

Defining Child Physical Abuse

- Inflicts or allows to be inflicted upon child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ

- Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means

- Unreasonably inflicts, or allows to be inflicted, harm or substantial risk thereof, including the infliction of excessive corporal punishment or by any other acts of a similarly serious nature requiring the aid of the court

- Uses excessive physical restraint upon the child under circumstances that do not indicate that the child's behavior is harmful to himself, others, or property
Definition of PA Simplified

**Simply**
- Non-accidental injury to a child

**Responsibility of parent/guardian to protect child from such injury**
- Omission

**Substantial Risk of non-accidental injury**

Physical Abuse Statistics

- About 1/3 of reports include PA allegations
- 200-500 children a year die from PA in the US
Examples of Behaviors that Lead to Injury

- Striking
  - Hand
  - Object
- Kicking
- Burning
- Biting

Types of Injury

- Broken bones/Fractures
- Burns
- Cuts/lacerations
- Head injuries
- Scalp injuries
- Bruises/Welts
- Induced Injury
  - Munchausen by Proxy Syndrome
Consequences of Physical Abuse

- Medical and neurological
  - Shaken-Baby Syndrome
- Cognitive Problems
- Behavioral Problems
- Socio-emotional Difficulties
- Psychiatric Disorders
- Future:
  - Substance Abuse
  - Abusive behavior

Behavioral Signs of Physical Abuse

- Social anxiety
- Aggression/Bullying
- Chronic running away
- Fear of going home
- Self-blame
- Hiding Injuries
- Depression
Distinguishing Accidental Injury from Abuse

- Location of Injury
- Explanation of Injury

Issues that Contribute to Physical Abuse

- Stress
  - Poverty
  - Child with special needs
  - Relationship problems
- Parental Mental Illness
- Parental Substance Abuse
- Prior victim of physical abuse
Vignette

Susan, a six-year-old girl, has a bruise on her cheek, her upper arm, and her torso. She tells you that over the weekend she fell down the stairs. Susan often has bruises on her upper arms. Her mother confirms that she fell down the stairs—she says Susan is a tomboy and is always falling down.

Considerations?

Defining Child Sexual Abuse

- **NJ Law**
  - “Commits or allows to be committed an act of sexual abuse against the child”

- **Federal Law**
  - Employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the producing a visual depiction of such conduct; or the rape, and in cases of caretaker or intra-familial relationships, statutory rape, molestation, prostitution, or other forms of sexual exploitation or incest with children.

  - Involvement of dependent, developmentally immature children in sexual activities that they do not fully comprehend and which they cannot provide informed consent

  - Age of consent in NJ is 16
What Constitutes Sexual Abuse

- **Non-touching offenses**
  - Indecent exposure
  - Exposing a child to pornography

- **Touching offenses**
  - Fondling
  - Inanimate-object penetration

- **Sexual exploitation**
  - Prostituting a child
  - Using a child in pornography

- **Sexual intercourse**
  - Rape
  - Incest
  - Sodomy

Child Sexual Abuse Statistics

- 1 in 4 girls will be sexually abused
- 1 in 6 boys will be sexually abused
- 30-40% of victims abused by a family member.
- 50% abused by someone outside of the family whom they know and trust.
- 40% abused by older or larger children whom they know
- Only 10% abused by strangers.

Reports of Child Maltreatment

- Less than 10% of indicated reports
- More likely to be White
Sexual Abuse Risk Factors: Victims

- Having a step-father
- Living without a mother in the household for an extended period of time
- Emotionally distant relationship with one’s mother
- Mother with punitive attitudes towards daughter’s sexual curiosity
- Father who is not physically affectionate
- Low-income family
- Few friends in childhood (social isolation)

Sexual Abuse Risk Factors: Society

- Culture of male dominance
- Values re: male sexuality and female roles
Sexual Abuse Risk Factors: Perpetrators

- Sexual Arousal to children
- Propensity to act on arousal

- Marital discord
- Sexual dysfunction in marriage
- Social isolation
- Unsupervised access to children
- Unemployment
- Alcoholism/substance abuse
- Poor social skills
- Low self-esteem
- Traumatic sexual experience as a child
- Sexually abusive role models
- Nonnurturing childhood

Physical Indicators of Sexual Abuse

- Often no physical indicators
- Hard to "prove"

- Pregnancy
- Tearing/bruising in the genital area
- Sexually transmitted diseases
Behavioral Indicators of Sexual Abuse

- Expressions of age-inappropriate knowledge of sex and sexually "pseudo-mature" behaviors
- Sexually explicit drawings
- Highly sexualized play
- Expressions of unexplained fear of a person or place
- Avoiding or attempting to avoid a familiar adult
- Signs of posttraumatic stress disorder
- Nightmares
- Sleep interruptions
- Withdrawal
- A child’s statement ***

Emotional Indicators of Sexual Abuse

- Self-image problems
- Low self-confidence
- Guilt ("my fault")
- Shame
- Depression
- Anxiety
- Mood swings
Cognitive/Academic Indicators of Sexual Abuse

- Difficulty learning
- Interrupted concentration
- Academic deterioration

Difficulties in Identifying Child Sexual Abuse

- Many indicators can be indicative of other things
- Children don’t report
- Differentiating normal sexualized behavior from indicators of abuse
- Societal dismissal
  - Sex abuse in Orthodox Jewish community in Brooklyn, NY
Vignette

- James is in your first grade classroom. Two of your students have complained to you that James showed them his “privates” and tried to pull down their pants when they refused to show him their “privates.”
- Considerations?

Defining Emotional/Psychological Abuse/Maltreatment

- Injury to the psychological capacity or the emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition
- Pattern of behavior that can seriously interfere with a child’s positive development
- Often in addition to physical abuse, but does not have to be
Examples of Emotional Maltreatment

- Belittling
- Ridiculing
- Intimidating
- Ignoring or rejecting
- Withholding love
- Seeming unconcerned about a child’s problems
- Holding impossible expectations without regard to developmental capability
- Bizarre discipline

Emotional Maltreatment Behavioral Indicators

- Habit disorders (sucking, biting, rocking)
- Conduct disorders (antisocial, destructive)
- Neurotic traits (sleep disorders, inhibition of play)
- Behavioral extremes (compliant, passive, undemanding, aggressive, demanding, raging)
- Overly adaptive behavior (inappropriately adult, inappropriately infantile and needy)
- Self-destructive behavior and suicide attempts
- Cruelty; seemingly taking pleasure in hurting other people or animals
- Delinquent behavior
Difficulty in Recognizing Emotional Maltreatment

- Often Lack of physical indicators
  - Non-organic failure to thrive (infants)
  - Speech disorders
  - Developmental delays
- Child considers behavior normal
- Maltreatment in private

Vignette

Lucy is a very shy, sensitive 7-year-old who has trouble getting along with the other children in your class. You ask her mother to come in to talk to you about it. Her mother claims that Lucy is a “prima-donna” and “stuck-up,” and it’s no wonder the other children don’t like her. You overhear her mother ridiculing her in the parking lot, telling her she is worthless and stupid. During the next week, a new girl comes to your class and Lucy begins to taunt her and pinch her at every opportunity.
Medical Neglect

- Failure of a parent to provide adequate and appropriate medical care to a child
- Poverty exception
- State obligated to use Parens Patriae power to take care of children when their parents can’t/won’t

Medical Neglect: Parental Risk Factors

- Lack of knowledge
- Fear of services
- Religious objections
- Inattention to child’s needs
Refusing Lifesaving Care

- Daniel Hauser
  - 13 years old - treatable form of cancer
  - Parents refuse western medical treatment for “alternative treatment”
- Religious Beliefs
- Or child’s choice?

Childhood Obesity

- 555 pound 14 year old boy
Vaccine Controversy

- Choosing to not vaccinate children
- Parents: vaccines hurt kids
  - Link to autism?
- Medical Community/Public Health Officials: not vaccinating hurts those kids and threatens other kids
- Original study discounted
- Measles outbreaks

What if I’m still not sure...

- Working with DYFS
  - Before making the report
    - Can call hotline and ask questions
  - While making a report
  - After making a report
DCF/DYFS as a Resource

- Great progress in improving the system
- Family Success Centers
  - [http://www.nj.gov/dcf/prevention/support/family_support.html](http://www.nj.gov/dcf/prevention/support/family_support.html)

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Reporting Child Maltreatment in New Jersey

Child Abuse Hotline (State Central Registry) 1-877 NJ ABUSE (1-877-652-2873) TTY 1-800-835-5510
Conclusions/Questions/Comments