



**Child Abuse and Maltreatment/Neglect:
Identification and Reporting**

New York State Mandatory Training

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New York State

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Answer Sheet: *Child Abuse and Maltreatment/Neglect: Identification and Reporting New York State Mandatory Training*

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The material presented is understandable.					
The teaching/learning method is effective.					
The answers to the test questions are appropriately covered in the course.					
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Objectives

Upon completion of this course, the learner will be able to:

- Discuss the scope of the problem of child abuse.
- Identify the legal definitions of child abuse and maltreatment/neglect in New York State.
- Describe possible indicators, physical and behavioral, of child abuse and maltreatment/neglect.
- Describe the perpetrators of child abuse and maltreatment/neglect.
- Evaluate situations to determine whether there is reasonable cause to suspect child abuse or maltreatment/neglect.
- State the criteria for reporting child abuse or maltreatment/neglect.
- Describe the reporting procedure.
- Describe the legal framework for the New York State Child Protective System.
- State how the New York State Infant Abandonment Law impacts mandated reports.

Introduction



Ken Hammond, USDA.

In the United States, one of the most educated and affluent countries in the world, in 2008, over three-quarters of a million children were victims of child maltreatment (USDHHS-ACF, 2010). The good news is that child abuse investigations are up and the rate of victimization is down nationally. During the time frame 2004 to 2008, the rate of all children in the US who received a disposition increased from 48.2 per 1,000 children in 2004 to 49.4 per 1,000 children in 2008. The rate of victimization decreased from 12.0 per 1,000 children in 2004 to 10.3 per 1,000 children in 2008 (USDHHS-ACF, 2010).

In New York State, in 2008, the child population was 4,408,016. Of those children, 84,089 were determined to have been abused or neglected. 107 children died as a result of maltreatment (USDHHS-ACF, 2010).

Although New York State was a leader in the prevention of child cruelty, going back to the 1800s, it was Chapter 544 of the laws of 1988 that required select professionals to complete 2 hours of coursework regarding the identification and reporting of child abuse and maltreatment/neglect, utilizing the curriculum developed by the New York State Education Department. In 2005, the responsibility for approval of the content of the course was transferred to the New York State Office of Children and Family Services.

The laws regarding the reporting of child abuse have been revised since 1988. Some of these revisions have included adding to the list of professionals who are mandated reporters who must meet this

educational requirement, changes in procedure, etc. The most recent changes occurred in 2007.

Who Are the Mandated Reporters?



Ken Hammond, USDA

The New York State Office of Children and Family Services (NYS-OCFS) (NYS-OCFS, 2005), reporting on two separate studies, a National Incidence Study conducted during the 1980s, and a 1999 University of Rochester study, found that professionals only reported about half of all maltreatment incidents that they knew about. Some of the reasons for not reporting were:

- Confusion or misunderstanding about reporting laws and procedures;
- Lack of knowledge or awareness of warning signs/clues.
- Lack of clarity about abuse/neglect as defined in State Law; and
- Influence of professional beliefs, values and experiences.

Mandated reporters of child abuse are identified in New York State Social Service Law, Section 413 as:

- Alcoholism counselor
- Child care or foster care workers
- Chiropractor
- Christian Science practitioner
- Coroner
- Day care center worker
- Dentist
- Dental hygienist
- District attorney or assistant district attorney
- Emergency medical technician
- Employee or volunteer in a residential care facility for children
- Hospital personnel engaged in the admission, examination, care or treatment of persons
- Intern
- Investigator employed in the Office of the District Attorney
- Law enforcement officials
- Licensed creative arts therapist
- Licensed marriage and family therapist
- Licensed mental health counselor
- Licensed psychoanalyst
- Medical examiner
- Mental health professional
- Optometrist
- Osteopath
- Peace officer
- Physician
- Podiatrist
- Provider of family or group family day care
- Police officer
- Psychologist
- Registered nurse
- Registered physician assistant
- Resident
- School official (As of July 3, 2007, this includes, but is not limited to: school teachers, guidance counselors, school psychologists, school social workers, school nurses, school administrators, or other school personnel required to hold a teaching or other administrative license or certification.)
- Social services worker
- Social Worker
- Substance abuse counselor
- Surgeon

The above professionals are required to report when they have reasonable cause to suspect that a child has been abused or maltreated/neglected.

Because the laws of the state change based on the needs of its residents, the New York State legislature may include additional professionals over time. Please contact the New York State Education Department, Office of the Professions to check if your profession is included as a mandated reporter of child abuse, maltreatment/neglect.

Penalties for Failure to Report

Failure to report child abuse or maltreatment/neglect on the part of mandated reporters is addressed in New York State Social Service Law, Section 420:

- Any person, official or institution required by law to report a case of suspected child abuse or maltreatment/neglect who willfully fails to do so shall be guilty of a Class A misdemeanor.
Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment/neglect who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

Protection from Retaliatory Personnel Action

Section 413 of the Social Services Law specifies that no medical or other public or private institution, school, facility or agency shall take any retaliatory personnel action against an employee who made a report of child abuse or maltreatment to the State Central Register (SCR). Furthermore, no school, school official, child care provider, foster care provider, or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff mandated to report suspected child abuse or maltreatment.

Immunity From Liability

Mandated reporters are provided immunity from liability under New York State Social Service Law, Section 419:

Any person, official or institution participating in good faith in making of a report, the taking of photographs, or the removal or keeping of a child they suspect may be abused or maltreated/neglected, shall have immunity from any liability, civil or criminal, that might result from such actions. For the purpose of any proceeding, civil or criminal, the good faith of any such person, official or institution required to report cases of child abuse or maltreatment/neglect shall be presumed, provided such person, official or institution was acting in the discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution

Abuse and Maltreatment/Neglect Have Many Presentations



Ken Hammond, USDA

Case #1: Corey

Corey is an 8 year old boy who was brought into the emergency department where you work, by EMS personnel after he was hit by a softball during physical education class at school. Corey lost consciousness for several minutes. During the physical exam, you note that he has bilateral bruises to his shoulders, arms and abdomen. Crying, Corey reports that he was "beaten up" by classmates. When his father arrives at the ED, Corey becomes visibly fearful and stops crying. The father is clearly angry; he begins to shout at Corey about having to leave work early during an important business meeting; he was shouting at Corey about not paying attention to the game, about being a lousy ball player and acting like a baby. As the physician in the ED, you note the dad's behavior and how Corey is responding to it.

Case #2: Juanita

You are a family nurse practitioner working in a primary care office. Juanita's mother comes to the office in follow-up to the hypertension noted at the last visit. She brings 9-year old Juanita with her to the appointment, as she usually does. Today you note that Juanita is withdrawn and has bruises on her face and arms. She looks like she's been crying. Juanita is typically a chatty girl who usually engages you in talking about her love of dancing, often showing off her latest moves for the staff. Her mother appears irritable and distracted. You ask her what's wrong and she says she's fine. You mention that Juanita is so quiet and looks upset today, to which she replies that Juanita has been "bad". What would you do if you were the nurse practitioner this situation?

Case #3: Sam

Twelve year old Sam comes to school wearing only a short sleeved t-shirt and jeans on days when the temperature is in the 30s. Sam is a quiet, slender young man. He often seems nervous; he is easily startled. Sam is a C student. He never seems to be paying much attention during class; he looks preoccupied. Sam doesn't make much eye contact. He spends most of his time alone; he doesn't really have any friends at school. Indeed, often Sam is the focus of harassment and teasing from his classmates. About 2 weeks ago Sam came to class limping. He said he sprained his left ankle. The ankle didn't get better after a week, so you sent a note home to have Sam's family get medical attention for Sam. That was last week and there has been no change. As the teacher in this 7th grade classroom you wonder if Sam might be really injured.

Case #4: Alicia and Martin

The visiting nurse comes to the home to follow-up on 10 week old Alicia. The baby was born to a 19 year old mother with a history of cocaine addiction. Alicia weighed 6 lbs. 2 oz. at birth and was not drug addicted. Today, the first day you have been able to get into the home since the referral was made 6 weeks ago, you note that Alicia weighs 4 lbs. 6 oz. The mom tells the nurse that she ran out of formula yesterday and hasn't had a chance to get to the store yet today. Alicia is fretful, but does not cry. Also, during the home visits the nurse notes that 3 year old Martin has circular burn marks on his arms and legs. He is a lethargic child who cries frequently and is very shy and fearful of adults. The nurse examines Martin and finds that he also has a patterned bruise on his back which looks much like a wooden spoon.

Case #5: Tisha

5 year old Tisha has been to see her primary care provider almost weekly for the past month. Each week Tisha has complained to her mother that her stomach hurts, so her mother brings her in to be examined. Tisha's only symptom is abdominal pain. She has no nausea, vomiting or diarrhea. She is well nourished and developmentally appropriate for her age; she clearly has been well cared for. Multiple diagnostic tests have been run over the past month. As the family nurse practitioner in this practice, you must inform Tisha's mother that Tisha has tested positive for syphilis

Case #6: Leah and Tisha

As a clinical social worker, you are Leah's therapist. Leah is step-mother to 5 year old Tisha, having been married to Tisha's father, Michael, for the last 6 months. The whirlwind relationship has been the frequent topic of your sessions. Leah has also talked about her role as a step-mother and her discomfort with it. She thinks that Michael and Tisha are too close; it makes her uncomfortable. Leah reports that she thinks Michael is too protective of Tisha, not really allowing her to play with other children when she is staying at their house, even limiting her contact and relationship with Tisha. In the last session with Leah, she told you that she fears that Michael is sexually abusing Tisha: she saw him leave Tisha's room early in the morning, when he thought she was sleeping; she saw him toss a condom in the trash. As the therapist, what should you do?

Case #7: Marcus, Amber and Isaiah

Sometimes, the Shaw children come to school appearing to be hungry. You are the school nurse who comes to this school most afternoons, usually getting to the school at lunchtime. You note that the Shaw children often don't have any lunch. When they do bring a lunch, it is often not enough food. Other than this, the children seem well-groomed and well-behaved. The children are generally quiet, rather private. As the nurse, you begin talking to them and learn that their father does seasonal work and is often between jobs. How would you handle this if you were the school nurse?

Case #8: Tim

At a residential treatment center for boys age 13-16, recently some of the boys have alleged that they were sexually abused by staff. The internal investigations at the facility have never supported these claims. One of the registered nurses, Jean, suspects that what she is being told by the boys is correct; she has noted how some of the aides, mostly males, treat the boys so roughly on the one hand and then at other times are often way too familiar. She has often felt uncomfortable with their behavior. 15 year old Tim showed Jean his bloody underwear. He also told Jean that one of the aides, Joe, was forcing him to have sexual relations with some of the other aides and that Joe was making money on it. Jean complains to the facility administration about these allegations, but was told that an internal investigation has occurred and there is no evidence that these allegations are based in fact.

These situations are real, or at least they could be real; several are based on real situations. If you were faced with these situations, what would you do? Do you know what child abuse looks like? Would you recognize child abuse if signs and symptoms were presented to you?

Would you know what to do ethically if you suspect child abuse? Do you know what you must do legally if you suspect child abuse? What if you are not sure? Do you know what you might face legally if you did not report your suspicions? Would you face repercussions if you did report? How should you proceed?

The Disturbing Statistics



Ken Howard, USDA

The National Child Abuse and Neglect Data System (NCANDS) is a federally sponsored effort that collects and analyzes annual data on child abuse and neglect. The data are submitted voluntarily by the States, the District of Columbia and the Commonwealth of Puerto Rico. State laws determine what is considered abuse, maltreatment or neglect in each state and these laws can vary from state to state. The information that is collected in each state also varies.

The reader is requested to remember that the data presented here are provided voluntarily by each state and compiled by NCANDS. The first report from NCANDS was based on data for 1990; the most recent report, *Child Maltreatment 2008*, published in 2010, reports on data collected from October 1, 2007 through September 30, 2008. Most of the statistics in this course come from the US Department of Health and Human Services, Administration for Children and Families' *Child Maltreatment 2008* (USDHHS-ACF, 2010).

The National Picture

For Federal fiscal year 2008, an estimated 3.3 million reports alleging child abuse or neglect were made to State and local child protective services (CPS) agencies for investigation or assessment. CPS estimated that 772,000 (10.3 per 1,000) children were victims of maltreatment; approximately three quarters of them had no history of prior victimization (CDC, 2010). *Note: A child is counted each time she or he is a subject of a report, which means a child may be counted more than once as a victim of child maltreatment.*

During 2008, 71.1% of victims experienced neglect, 16.1% were physically abused, 9.1% were sexually abused, and 7.3% were victims of psychological abuse; 2.2% experienced medical neglect (CDC, 2010; USDHHS-ACF, 2010). In addition, 9.0 percent of victims experienced such "other" types of maltreatment as "abandonment," "threats of harm to the child," or "congenital drug addiction." States may code any condition that does not fall into one of the main categories-physical abuse, neglect, medical neglect, sexual abuse, and psychological or emotional maltreatment as "other." These maltreatment type percentages total more than 100 percent because children who were victims of more than one type of maltreatment were counted for each maltreatment (USDHHS-ACYF, 2010).

Estimates of child maltreatment vary. According to Finkelhor, et al. (2009), it is estimated that in 2008, 1 in 5 U.S. children experienced some form of child maltreatment: approximately 1 percent were victims of sexual assault; 4 percent were victims of child neglect; 9 percent were victims of physical abuse; and 12 percent were victims of emotional abuse.

The rate of all children who received a disposition increased from 43.8 per 1,000 children in 2002 to 49.4 per 1,000 children in 2008. The national estimates are based upon counting a child each time he or she was the subject of a CPS investigation. While almost a million children were determined to be victims of child maltreatment, the rate of victimization has decreased slightly since 1990. The rate of victimization per 1,000 children in the national population has dropped from 13.4 children in 1990 to 12.3 per 1,000 children in 2002 to 10.3 per 1,000 children in 2008 (USDHHS-ACF, 2010; USDHHS-ACF, 2008).

Child fatalities are the most tragic consequence of maltreatment. In 2008, an estimated 1,740 children ages 0 to 17 died from abuse and neglect (rate of 2.3 per 100,000 children) (CDC, 2010). Nearly 40 percent (39.7%) of fatalities suffered from multiple forms of maltreatments. Another 30 percent (31.9%) suffered from neglect only; 22.9% of fatalities were a result of physical abuse; medical neglect resulted in 1.5% of fatalities.

News reports indicate that in a downturned economy, as the US has experienced in recent years, both intimate partner violence/domestic violence and child abuse increases. If news stories reported in the past 2 years are any indication, the statistics in the next edition of *Child Maltreatment: 2009* should verify this. For example in a sampling of news stories: MSNBC.com reported on 4/10/09 that hospitals in New York State are reporting an increase in shaken baby syndrome cases. They also reported that:

“Eighty-eight percent of law enforcement officials surveyed nationwide believe the economic crisis has led, or will lead, to more child abuse and neglect, according to top police officials from Los Angeles, Boston, Milwaukee and Philadelphia who recently held a news conference in Washington.”

Characteristics of Child Victims

Generally, the rate of victimization was inversely related to the age group of the child; the youngest children had the highest rate of victimization. Children younger than 4 years are the most vulnerable for many reasons, including their dependency, small size, and inability to defend themselves. The rate of child victimization for boys in the age group of birth to 1 year was 21.8 per 1,000 male children of the same age group. The child victimization rate for girls in the age group of birth to 1 year was 21.3 per 1,000 female children of the same age group. The victimization rate for children in the age group of 4–7 years was 10.9 per 1,000 for both boys and girls. Overall, the victimization rates decreased for older age groups (USDHHS-ACF, 2010).

Of all the child victims in 2008, the percentage of children who were under one year of age was 12.3%; 7.2% were 1 year of age; 6.8% were 2 years of age; 6.3% were 3 years of age. Children 3 and younger accounted for 32.6% of all children victimized; 23.6% were age 4-7 years; 18.9% were 8-11 years; 18.1% were 12-15 years of age; 6.3% were 16-17 years of age (USDHHS-ACF, 2010).

In 2008, as in previous years, girls were more likely than boys to be maltreated; 48.3 percent of child victims were boys, and 51.3 percent of the victims were girls. The sex of 0.4 percent of child victims was unknown (USDHHS-ACF, 2010).

African-American children, American Indian or Alaska Native children, and children of multiple races had the highest rates of victimization at 16.6, 13.9, and 13.8 per 1,000 children of the same race or ethnicity,

respectively. Hispanic children and White children had rates of 9.8 and 8.6 per 1,000 children of the same race or ethnicity, respectively. Asian children had the lowest rate of 2.4 per 1,000 children of the same race or ethnicity. Nearly one-half of all victims were White (45.1%), one-fifth (21.9%) were African-American, and one-fifth (20.8%) were Hispanic (USDDHS-ACF, 2010).

Child victims who were reported with a disability accounted for 15% of all victims. Children with the following risk factors were considered as having a disability: mental retardation, emotional disturbance, visual or hearing impairment, learning disability, physical disability, behavioral problems, or another medical problem. In general, children with such conditions are undercounted as not every child receives a clinical diagnostic assessment by CPS agency staff. Approximately 5 percent (5.3%) of victims had behavior problems; 3.7 percent of victims were emotionally disturbed; another 6.2 percent had some other medical condition. A victim could have been reported with more than one type of disability (USDHHS-ACF, 2010).

More than three-quarters (78.0%) of children who were killed were younger than 4 years of age, 10 percent were 4-7 years of age, 4 percent were 8-11 years of age, and 6 percent were 12-17 years of age (USDHHS-ACF, 2010). Almost 40% of deaths were non-Hispanic White children; 30% of deaths were African-American children (CDC, 2010).

Reporters of Child Maltreatment

Professionals submitted more than one-half (57.9%) of the reports. "Professional" indicates that the person encountered the alleged victim as part of the report source's occupation. State laws require most professionals to notify CPS agencies of suspected maltreatment. Sources of reports in 2008 were from the following professionals (USDHHS-ACF, 2010):

- Educational personnel (16.9%);
- Legal and law enforcement personnel (16.3%);
- Social services personnel (10.6%);
- Medical personnel (8.3%);
- Mental health personnel (4.3%);
- Child day-care providers (0.9%);
- Foster care providers (0.6%).

Nonprofessional report sources submitted approximately 28 percent of reports. These included parents, other relatives, friends and neighbors, alleged victims, alleged perpetrators, and anonymous callers. Anonymous, other relatives, and parents accounted for the largest groups of nonprofessional reporters. Unknown or other report sources submitted about 14 percent of reports (USDHHS-ACF, 2010).

In New York State

The same NCANDS data that provided information for *Child Maltreatment 2008* also provided state-specific information related to certain categories of information. Much of the following information has been obtained for New York State from the same document.

In 2008, 84,089 children were maltreated New York State (USDHHS-ACF, 2010). Of these children (*Note: Totals are more than 100 percent because a child may be the victim of more than one type of maltreatment.*):

- 115,098 (136.9%) maltreatments substantiated;
- 77,172 (91.8%) were neglected;
- 8,500 (10.1%) were physically abused;

- 2,733 (3.3%) were sexually abused;
- 703 (0.6%) were psychologically or emotionally maltreated;
- 4,256 (5.1%) were medically neglected; and
- 21,734 (25.8%) other types of maltreatment.

"Other types of maltreatment" include, for example, abandonment, threats of harm, or congenital drug addiction.

In New York State in 2008, 107 children died as a result of maltreatment, a fatality rate of 2.43 per 100,000 children. This is an increase from the fatality rate of 2.16 in 2007 (USDHHS-ACF, 2010).

In New York State, in 2008, of the children who were maltreated, 28.9% were African-American; 0.3% were American Indian or Alaskan Native; 1.4% were Asian; 23.7% were Hispanic; 2.5% were of multiple races; 33.8% were White (USDHHS-ACF, 2010).

In New York State, there were a total of 159,556 reports of child abuse and maltreatment to the State Central Register (SCR). Of those reports, 59.6% were made by professionals. Among the following professional groups are the number of reports and percentage of the total of reports by professional groups is as follows (USDHHS-ACF, 2010):

- Educational personnel 32,466 (20.3%);
- Law enforcement/legal 17,637 (11.1%);
- Social services personnel 32,688 (20.5%);
- Medical personnel 9,703 (6.1%);
- Child care providers 404 (0.3%);
- Foster care providers 2,104 (1.3%).

The rate of investigations of reports of child abuse or maltreatment has risen in New York State from 2004 to 2008. In 2004, the rate was 32.3%; in 2008 it was 36.6% (USDHHS-ACF, 2010).

Of the children who were maltreated in New York State in 2008, 33.8% were White; 28.9% were African-American; 23.7% were Hispanic; 2.5% were of multiple races; 1.4% were Asian; and 0.3% were American Indian or Alaskan Native (USDHHS-ACF, 2010).



Ken Hammond, USDA

Legal Definitions Related to Child Maltreatment

Child abuse and neglect are defined by both Federal and State laws.

Federal Definitions

The Child Abuse Prevention and Treatment Act (CAPTA) is the Federal legislation that provides minimum standards for the definition of child abuse and neglect that States must incorporate in their statutory definitions (CWIG, 2010).

Under CAPTA, child abuse and neglect means, at a minimum:

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.

The term sexual abuse includes:

The 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 purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution or other form of sexual exploitation of children, or incest with children.

New York State Legal Definitions

While the Federal CAPTA law provides for the minimum standards needed for State laws, it is important to know the specific legal definitions in the States in which you practice, in particular, it is important to know how New York State laws define who is a child, what is considered to be abuse, maltreatment and neglect and who is the subject of the report of abuse. Indeed, the law that mandates certain professionals in New York State to take this coursework that you are now reading, requires that you receive this training regarding the specific laws in New York State.

Review cases 1-7. Would you consider all the children in the these cases to be defined by NYS as a child? What about 15 year old Tim who lives in a residential treatment facility?

Social Services Law of New York State define the following:

A **child** is an unemancipated person who is under eighteen years of age.

In New York State a child is also defined as a child residing in a group residential care facility under the jurisdiction of the New York State Office of Children and Family Services (OCFS), Division for Youth (DFY), Office of Mental Health (OMH), Office of Mental Retardation and Developmental Disabilities (OMRDD), or the State Education Department (SED).

A child with a handicapping condition who is 18 years or older (up to age 21) who is defined as an abused child in residential care and who is in residential care in one of the following facilities:

- New York State School for the Blind (Batavia, NY);
- New York State School for the Deaf (Rome, NY);
- A private residential school which has been designed for special education;
- A special act school district; or
- A state supported school for the deaf or blind which has a residential component.

Based on the definition above, all of the children involved in cases 1-6 are defined as a "child", even Tim, who is 15 years old and resides in a residential treatment facility under the jurisdiction of the Division for Youth also meets the definition of "child".

Abuse

Abuse constitutes the most serious harm committed against children. In New York State, the Family Court Act, Section 1012.(e). defines an abused child as one whose parent or other person legally responsible for her/his care:

- Inflicts or allows to be inflicted upon the child, physical injury by other than accidental means;
- Creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death, serious or protracted disfigurement or protracted impairment of physical or emotional health or protracted loss of impairment of the function of any bodily organ;
- Commits or allows to be committed a sex offense against a child;
- Allows, permits, or encourages a child to engage in any act described in article 263 of the penal Law such as obscene sexual performance, sexual conduct, prostitution);
- Commits any of the acts described in section 255.5 of the penal law such as incest

Maltreatment/Neglect

In New York State, the term **maltreatment** is used in Social Services Law and in Family Court Act, the term used is **neglect**.

Maltreatment/Neglect includes a child's physical, mental or emotional impairment, or imminent danger of impairment by the parent's or legal guardian's failure to exercise a minimum degree of care:

- In supplying the child with food, clothing, shelter or education, or medical, dental optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or

- In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the use of excessive corporal punishment; or
- By misusing drugs or alcohol to the extent that he or she loses self-control of his/her actions; or
- By any other acts of similarly serious nature requiring the aid of the court; or
- By abandoning the child.

Additionally, a maltreated/neglected child is one who:

- Is less than 18 years of age and is defined as a neglected child by the Family Court Act.
- Has had serious physical injury inflicted upon her/him by other than accidental means.
- Is 18 years of age or older, is neglected and resides in one of the special residential care institutions listed above under the definition of the child.

According to the Family Court Act Section 1012, a "person legally responsible" includes the child's custodian, guardian, any other person responsible for the child's care, at the relevant time. A custodian may include any person continually or at regular intervals, found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Recognizing Child Abuse

The first step in helping abused or neglected children is learning to recognize the signs of child abuse and neglect. The presence of a single sign does not prove child abuse is occurring; however, when these signs appear with significant injury, or they occur repeatedly or in combination, the professional must take a closer look at the situation and consider the possibility of child abuse (CWIG, 2008). Special attention should be paid to injuries that are unexplained or are inconsistent with the parent or caretaker's explanation and/or the child's developmental age (PCA-NY, nd).

The following are some signs often associated with particular types of child abuse/maltreatment: physical abuse, neglect, sexual abuse, and emotional abuse. It is important to note, however, these types of abuse are more typically found in combination than alone. A physically abused child, for example, is often emotionally abused as well, and a sexually abused child also may be neglected (CWIG, 2008).

The list that follows contains some common indicators of abuse or maltreatment. This list is not all-inclusive, and some abused or maltreated children may not show any of these signs and symptoms.

Physical Abuse

Physical Indicators

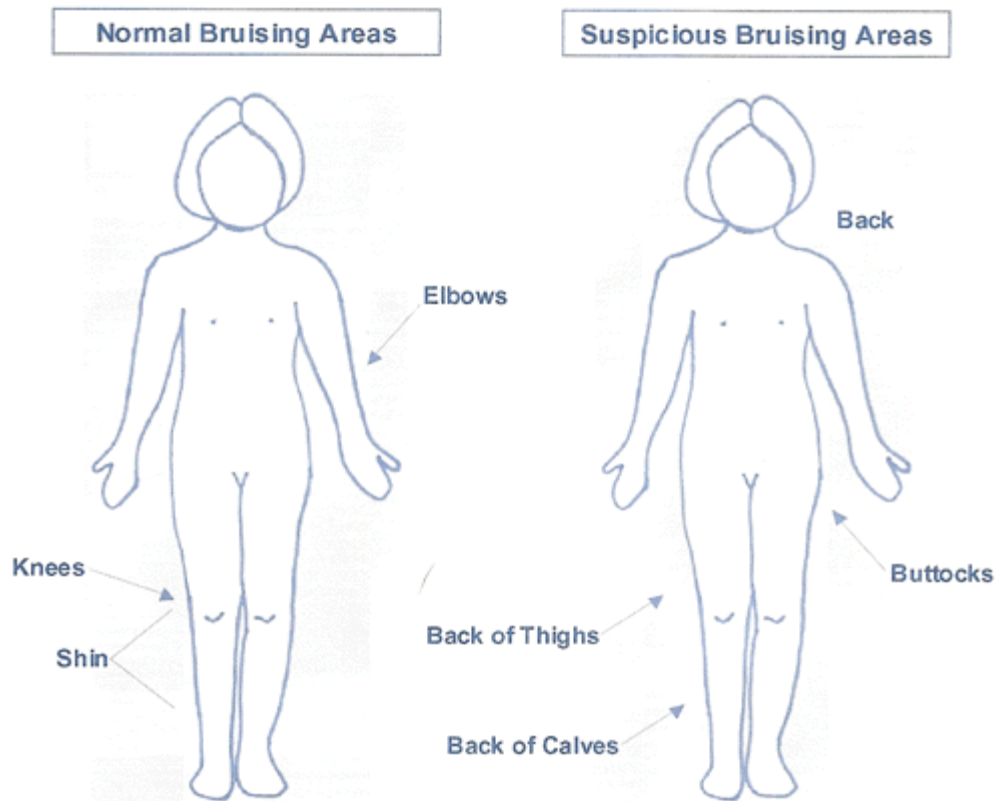
Physical abuse is often the most obvious form of abuse. It is any non-accidental injury to a child by a parent or caretaker. The mandated professional should pay close attention to any frequent injuries that are "accidental" or "unexplained", or that are developmentally unlikely or any explanation that seems unlikely.

Physical abuse may present as (NYCACS, 2010; CDC, 2010; CWIG, 2008; PCA-NY, nd; NYS-OCFS, 2005):

- Frequent and unexplained bruises
 - On face, lips or mouth;
 - On torso, back, buttocks, thighs;
 - May be in various stages of healing;
 - On several different surface areas of the body;

- May appear in distinctive patterns reflecting the shape of the article used such as grab marks or human bite marks, electric cord, belt buckle, etc.;
- Fading bruises or other marks noticeable after an absence, weekend or vacation from school or day care.

Normal and Suspicious Bruising Areas



- Burns
 - Cigar or cigarette burns, especially on the soles, palms, back and buttocks;
 - Immersion burns (sock-lick, glove-like, or doughnut shaped on buttocks or genitalia from having feet, hand buttock/genitals immersed in scalding water);
 - Distinctive patterned burn impressions from appliances or instruments such as steam irons, curling irons, etc.;
 - Rope burns on arms, legs, neck or torso.

Steam Iron Injury



Handprint Injury



Looped Cord Injury



- Cuts;
- Welts;
- Swelling;
- Sprains;
- Fractures
 - To skull, nose, facial structures;
 - In various stages of healing;
 - Multiple or spiral fractures
 - Swollen or tender limbs.
- Lacerations or abrasions
 - To mouth, lips, gums, eyes;
 - To external genitalia;
 - On backs of arms, legs or torso;
 - Human bite marks.
- Injuries to the eyes or both sides of the head or body (accidental injuries typically only affect one side of the body);

Child's Behavior - Possible Indicators of Physical Abuse

The following behavioral signs do not necessarily mean that a child is abused or maltreated, but should be considered in light of other indicators. These behavioral indicators are often general, potentially pointing to a problem that may or may not relate to abuse/maltreatment.

- Wary of adult contacts; may shrink at the approach of adults;
- Apprehensive when other children cry;
- May be overly afraid of the parent's reaction to misbehavior;
- Shows sudden changes in behavior or school performance;
- Has not received help for physical or medical problems brought to the parents' attention;

- Has learning problems (or difficulty concentrating) that cannot be attributed to specific physical or psychological causes;
- Is always watchful, vigilant, as though preparing for something bad to happen;
- Lacks adult supervision;
- Is overly compliant, passive, withdrawn or emotionless behavior;
- Destructive, aggressive or disruptive behavior;
- Behavior extremes, such as appearing overly compliant and passive or very demanding and aggressive or withdrawn;
- Comes to school or other activities early, stays late, and does not want to go home;
- Uncomfortable with physical contact;
- Low self esteem;
- Lags in physical, emotional, or intellectual development;
- Seems frightened of the parents and protests or cries when it is time to go home;
- Is either inappropriately adult (parenting other children, for example) or inappropriately infantile (frequently rocking or head-banging, for example);
- Has attempted suicide;
- Reports a lack of attachment to the parent;
- Reports injury by parent;
- Wears long sleeved or similar clothing to hide injuries;
- Seeks affection from any adult.

Parent's Behavior - Possible Indicators of Physical Abuse

- Shows little concern for the child;
- Denies the existence of-or blames the child for-the child's problems in school or at home;
- Takes an unusual amount of time to obtain medical care for the child;
- Attempts to conceal the child's injury;
- Takes the child to a different healthcare provider or hospital for each injury;
- Offers an inadequate or inappropriate explanation for the child's injury;
- Offers conflicting, unconvincing, or no explanation for the child's injury;
- Disciplines the child too harshly considering the child's age or what s/he has done wrong
- Asks teachers or other caretakers to use harsh physical discipline if the child misbehaves;
- Sees the child as entirely bad, worthless, or burdensome;
- Demands a level of physical or academic performance the child cannot achieve;
- Looks primarily to the child for care, attention, and satisfaction of emotional needs;
- Describes the child as "evil," or in some other very negative way;
- Has a history of abuse as a child;
- Is unduly protective of the child or severely limits the child's contact with other children especially of the opposite sex;
- Is secretive and isolated;
- Is jealous or controlling with family members;
- Constantly blames, belittles, or berates the child;
- Is unconcerned about the child and refuses to consider offers of help for the child's problems;
- Overtly rejects the child;
- Appears to be indifferent to the child;
- Seems apathetic or depressed;
- Behaves irrationally or in a bizarre manner;
- Has poor impulse control;
- Is abusing alcohol or other drugs.

Maltreatment/Neglect

Maltreatment/neglect includes a parent or caretaker's failure to give the child food, clothing, hygiene, shelter, medical care and supervision. Maltreatment/Neglect may be difficult to identify correctly. What appears as maltreatment/neglect may be the result of poor parental or caretaker judgment. Or it may be the result of poverty rather than neglect.

Maltreatment/neglect is a term used to encompass many situations. What they all have in common is that maltreatment/neglect is often determined by a lack of action-an act of omission-regarding a child's needs. Most commonly, maltreatment/neglect is related to a failure to meet a child's physical needs (including food, clothing, shelter, supervision, and medical needs), but it also can refer to a failure to meet a child's educational and emotional needs. Maltreatment/neglect can range from a caregiver's momentary inattention to willful deprivation. Single incidents can have no harmful effects or, in some cases, they can result in death. Chronic patterns of maltreatment/neglect may result in severe developmental delays or severe emotional disabilities.

Physical Indicators of Maltreatment/Neglect

- Consistent hunger;
- Obvious malnourishment, listlessness or fatigue;
- Poor hygiene; is consistently dirty or malodorous;
- Lacks sufficient clothing; inappropriate dress for age or season;
- Consistent lack of supervision, especially in dangerous activities or long periods;
- Abandonment;
- Child may frequently go to neighbors saying parents told them to stay away;
- Unattended physical problems or medical or dental needs, immunizations or glasses;
- Delayed physical development;
- Abuses alcohol or other drugs.

Child's Behavior - Possible Indicators of Maltreatment/ Neglect

- Begging or stealing food or money;
- Extended stays in school (early arrival and late departure);
- Frequent tardiness to school; " Infrequent school attendance;
- Constant fatigue, falling asleep in class;
- Alcohol and drug abuse;
- States there is no caretaker.

Parent's Behavior - Possible Indicators of Maltreatment/Neglect

- Misuses alcohol or other drugs;
- Has disorganized, chaotic or upsetting home life;
- Is apathetic, feels nothing will change;
- Is isolated from friends, relatives and neighbors;
- Has long-term chronic illness;
- Cannot be found;
- Has history of neglect as a child;
- Exposes child to unsafe living conditions;
- Evidences limited intellectual capacity.

Emotional Abuse

Physical Indicators of Emotional Abuse

- Conduct disorders (fighting in school, anti-social behavior, destructive, etc.);
- Habit disorders (rocking, biting, sucking fingers, pulling out hair, etc.);
- Anxiety disorders, speech disorders, sleep problems, inhibition of play; phobias, hysterical reactions, compulsions, hypochondria;
- Lags in physical development;
- Failure to thrive.

Child's Behavior - Possible Indicators of Emotional Abuse

- Overly adaptive behavior, such as inappropriately adult or inappropriately infantile;
- Developmental delays (mental and emotional);
- Extremes of behavior (compliant, passive, aggressive, demanding);
- Self-mutilation;
- Suicide attempts or gestures.

Parent's Behavior - Possible Indicators of Emotional Abuse

- Treats children in the family unequally;
- Doesn't seem to care much about the child's problems;
- Blames or belittles the child;
- Is cold and rejecting;
- Inconsistent behavior toward child.
- Verbally terrorizes the child;
- Continually and severely criticizes the child,
- Failure to express any affection or nurturing.
- Humiliation,
- Engages in actions intended to produce fear or extreme guilt in a child.

Sexual Abuse

Sexual abuse can include promoting prostitution, fondling, intercourse, or using the child for pornographic materials. Consider the possibility of sexual abuse when the **child** exhibits some of the following (CWIG, 2008):

Physical Indicators of Sexual Abuse

- Has difficulty walking or sitting;
- Reports nightmares or bedwetting;
- Experiences a sudden change in appetite; or complains frequently of abdominal discomfort or pain;
- Becomes pregnant, particularly in early adolescent years;
- Contracts a sexually transmitted disease, including venereal oral infections in pre-adolescent age group;
- Has sudden, unusual difficulty with toilet habits;
- Experiences pain or itching, bruises or bleeding in the genital area;
- Has torn, stained, or bloody clothing.

Child's Behavior - Possible Indicators of Sexual Abuse

- Suddenly refuses to change for gym or to participate in physical activities;
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior, particularly given the child's age;
- Sexual victimization of other children;
- Exhibits withdrawal, fantasy or infantile behaviors;
- Poor peer relationships;
- Aggressive or disruptive behavior, delinquency, running away or school truancy;
- Any sudden change in behavior;
- Self-injurious behaviors;
- Suicide attempts;
- Reports sexual abuse by caretaker;
- Exaggerated fear of closeness or physical contact.

Parent's Behavior - Possible Indicators of Sexual Abuse

- Very protective or jealous of child;
- Encourages or forces child to engage in prostitution;
- Encourages or forces sexual acts in the presence of caretaker;
- Misuses alcohol or other drugs;
- Is geographically isolated and/or lacking in social and emotional contacts outside the family;
- Has low self-esteem.

Case Studies: Identifying Abuse

Case #1: Corey

Corey is an 8 year old boy who was brought into the emergency department where you work, by EMS personnel after he was hit by a softball during physical education class at school. Corey lost consciousness for several minutes. During the physical exam, you note that he has **bilateral bruises to his shoulders, arms and abdomen**. Crying, **Corey reports that he was "beaten up" by classmates. When his father arrives at the ED, Corey becomes visibly fearful and stops crying. The father is clearly angry; he begins to shout at Corey about having to leave work early during an important business meeting; he was shouting at Corey about not paying attention to the game, about being a lousy ball player and acting like a baby.** As the physician in the ED, you note the dad's behavior and how Corey is responding to it.

- Corey has bilateral bruises on his shoulders and arms. Accidental injuries tend to occur on one side or another, not usually on both shoulders or both arms.
- Corey's explanation that he was "beaten up" by classmates is not consistent with what EMS personnel describe about the injury during physical education class.
- Corey is fearful when his father appears.
- Corey stops crying when his father appears.
- Corey's father is angry and not concerned about his son's injury.
- Corey's father belittles Corey about his ability to play softball.
- Corey's father uses shame (ie. "acting like a baby") because Corey had been crying

Case #2: Juanita

You are a family nurse practitioner working in a primary care office. Juanita's mother comes to the office in follow-up to the hypertension noted at the last visit. She brings 9-year old Juanita with her to the appointment, as she usually does. Today you note that **Juanita is withdrawn and has bruises on her face and arms. She looks like she's been crying. Juanita is typically a chatty girl who usually engages you in talking about her love of dancing, often showing off her latest moves for the staff.** Her mother appears irritable and distracted. You ask her what's wrong and she says she's fine. You mention that Juanita is so quiet and looks upset today, to which **she replies that Juanita has been "bad"**. What would you do if you were the nurse practitioner this situation?

- She has bruises on her face and arms.
- Juanita has had a change in behavior, from outgoing and engaging to withdrawn and tearful.
- Ms. Flores says Juanita has been "bad".

Case #3: Sam

Twelve year old **Sam comes to school wearing only a short sleeved t-shirt and jeans on days when the temperature is in the 30s. Sam is a quiet, slender young man. He often seems nervous; he is easily startled.** Sam is a C student. **He never seems to be paying much attention during class; he looks preoccupied. Sam doesn't make much eye contact. He spends most of his time alone; he doesn't really have any friends at school. Indeed, often Sam is the focus of harassment and teasing from his classmates. About 2 weeks ago Sam came to class limping. He said he sprained his left ankle. The ankle didn't get better after a week, so you sent a note home to have Sam's family get medical attention for Sam. That was last week and there has been no change.** As the teacher in this 7th grade classroom you wonder if Sam might be really injured.

- Sam wears a short-sleeved t-shirt even during cold weather; this is inappropriate attire for the season.
- Sam's family did not seek the medical attention that you, as the teacher, suggested because of Sam's limping and apparent injury to his left ankle.
- Sam seems nervous and is easily startled.
- Sam is preoccupied during class and doesn't pay much attention to the class work.
- Sam doesn't make eye contact and is isolated at school; he is often teased at school.
- Sam's ankle is injured and Sam's family has not sought medical attention for the injury.

Case #4: Alicia and Martin

The visiting nurse comes to the home to follow-up on 10 week old Alicia. The baby was born to a 19 year old mother with a history of cocaine addiction. Alicia weighed 6 lbs. 2 oz. at birth and was not drug addicted. Today, the first day you have been able to get into the home since the referral was made 6 weeks ago, you note that Alicia weighs 4 lbs. 6 oz. **The mom tells the nurse that she ran out of formula yesterday and hasn't had a**

chance to get to the store yet today. Alicia is fretful, but does not cry. Also, during the home visits the nurse notes that 3 year old Martin has circular burn marks on his arms and legs. **He is a lethargic child who cries frequently and is very shy and fearful of adults.** The nurse examines Martin and finds that he also has a patterned bruise on his back which looks much like a wooden spoon.

- Alicia has lost significant weight since birth. Although some weight loss is not uncommon, by 10 weeks, she should have gained more weight.
- The home is lacking formula for Alicia.
- Martin has circular burn marks on his arms and legs; the nurse notes that they look like cigarette burns.
- Martin has a patterned bruise on his back which looks like a wooden spoon.
- Martin is lethargic, cries frequently and seems fearful of adults.

Case #5: Tisha

5 year old Tisha has been to see her primary care provider almost weekly for the past month. **Each week Tisha has complained to her mother that her stomach hurts, so her mother brings her in to be examined.** Tisha's only symptom is abdominal pain. She has no nausea, vomiting or diarrhea. She is well nourished and developmentally appropriate for her age; she has clearly has been well cared for. Multiple diagnostic tests have been run over the past month. As the family nurse practitioner in this practice, you must inform Tisha's mother that **Tisha has tested positive for syphilis.**

- Tisha has frequent complaints about abdominal pain; these complaints often happen on Mondays, after spending the weekend with her father.
- Five year old Tisha has tested positive for a sexually transmitted disease.

Case #6: Leah and Tisha

As a clinical social worker, you are Leah's therapist. Leah is step-mother to 5 year old Tisha, having been married to Tisha's father, Michael, for the last 6 months. The whirlwind relationship has been the frequent topic of your sessions, **particularly Michael's controlling nature.** Leah has also talked about her role as a step-mother and her discomfort with it. **She thinks that Michael and Tisha are too close; it makes her uncomfortable.** Leah reports that she thinks **Michael is too protective of Tisha, not really allowing her to play with other children when she is staying at their house, even limiting her contact and relationship with Tisha. In the last session with Leah, she told you that she fears that Michael is sexually abusing Tisha: she saw him leave Tisha's room early in the morning, when he thought she was sleeping; she saw him toss a used condom in the trash.** As the therapist, what should you do?

- Tisha's father is seen leaving Tisha's room and then throwing a used condom in the trash.
- Michael has a controlling nature.
- Leah is uncomfortable with the closeness between Michael and Tisha and his limitation of Tisha's playing with other children and even Tisha's getting close to Leah.
- Leah fears that Michael is sexually abusing Tisha.

Case #7: Marcus, Amber and Isaiah

Sometimes, the Shaw children come to school appearing to be hungry. You are the school nurse who comes to this school most afternoons, usually getting to the school at lunchtime. You note that the Shaw children often don't have any lunch. When they do bring a lunch, it is often not enough food. Other than this, the children seem well-groomed and well-behaved. The children are generally quiet, rather private. As the nurse, you begin talking to them and learn that their father does seasonal work and is often between jobs. How would you handle this if you were the school nurse?

- The children appear to be hungry when they come to school.
- The children often don't have any lunch, or if they bring lunch it is not enough.
- The Shaw children, normally quiet and private, when they speak with the nurse provide information about their father's underemployment/unemployment.

Case #8: Tim

At a residential treatment center for boys age 13-16, recently some of the boys have alleged that they were sexually abused by staff. The internal investigations at the facility have never supported these claims. One of the registered nurses, Jean, suspects that what she is being told by the boys is correct; she has noted how some of the aides, mostly males, treat the boys so roughly on the one hand and then at other times are often way too familiar. 15 year old Tim showed Jean his bloody underwear. He also told Jean that one of the aides, Joe, was forcing him to have sexual relations with some of the other aides and that Joe was making money on it. Jean complains to the facility administration about these allegations, but was told that an internal investigation has occurred and there is no evidence that these allegations are based in fact.

- Some of the boys at the residential treatment center have reported that they have been sexually abused by staff members.
- Tim showed his bloody underwear to the nurse, Jean.
- Jean felt uncomfortable with the way some male staff interacted with the boys, either to rough or too familiar.
- Tim told Jean that an aide, Joe, was forcing him to have sex and that Joe was making money since he was taping the sexual activity and then selling the tapes.

Risk Factors Contributing to Child Abuse and Maltreatment

Child Risk Factors

- Premature birth,
- Birth anomalies,
- Low birth weight,
- Exposure to toxins in utero
- Temperament: difficult or slow to warm up
- Physical/cognitive/emotional disability, chronic or serious illness
- Childhood trauma
- Anti-social peer group
- Age
- Child aggression, behavior problems, attention deficits

Parental/Family Risk Factors

- Poverty
- Parental substance abuse

- Parental impulsivity
- Parental low self-esteem
- A lack of social support for the family.
- Parental immaturity
- Parents' unrealistic expectations
- Unmet emotional needs
- The stress of caring for children
- Economic crisis
- Domestic/intimate partner violence
- Lack of parenting knowledge/skills
- Lack of communication skills
- Inaccurate knowledge and expectations about child development
- Difficulty in managing relationships
- Depression, anxiety or other mental health problems
- Personality Factors
- External locus of control
- Low tolerance for frustration
- Feelings of insecurity
- Lack of trust
- Insecure attachment with own parents
- Childhood history of abuse
- Family structure - single parent with lack of support, high number of children in household
- Social isolation, lack of support
- Separation/divorce, especially high conflict divorce
- High general stress level
- Poor parent-child interaction, negative attitudes and attributions about child's behavior

Community Risk Factors

- Low socioeconomic status
- Stressful life events
- Social isolation/lack of social support
- Dangerous/violent neighborhood
- Community violence
- Poverty
- Lack of access to medical care, health insurance, adequate child care, and social services

Societal Risk Factors

- Homelessness
- Exposure to racism/discrimination
- Poor schools
- Exposure to environmental toxins
- Narrow legal definitions of child maltreatment
- Social acceptance of violence (as evidenced by music lyrics, television, film and video games)
- Political and religious views that value noninterference in families.

Protective Factors for Child Abuse and Maltreatment

Child abuse prevention programs have long focused on reducing particular risk factors. However, increasingly, prevention services are also recognizing the importance of promoting protective factors: conditions in families and communities that research has shown to increase the health and well-being of children and families. These factors help parents who might otherwise be at risk of abusing or neglecting their children to find resources, supports, or coping strategies that allow them to parent effectively, even under stress (CWIG, 2008).

Child Protective Factors

Resilience is a concept that has been identified as an important protective factor among children who have been abused or maltreated. Research has identified that resilience was found to be related to personal characteristics that included a child's ability to: recognize danger and adapt, distance oneself from intense feelings, create relationships that are crucial for survival, and project oneself into a time and place in the future in which the perpetrator is no longer present.

Additional protective factors include (CWIG, 2008; CDC, 2007a):

- Good health, history of adequate development
- Above-average intelligence
- Hobbies and interests
- Good peer relationships
- Personality factors such as an easy-going temperament
- Positive disposition
- Active coping style
- Positive self-esteem
- Good social skills
- Internal locus of control
- A balance between help seeking and autonomy

Parental/Family Protective Factors

Resilience is also a protective factor for parents. Parents who are emotionally resilient have a positive attitude, creatively problem solve, effectively address challenges, and are less likely to direct anger and frustration at their children (CWIG, 2008).

- Secure attachment with children; positive and warm parent-child relationship
- Supportive family environment
- Parents have come to terms with own history of abuse
- Household rules/structure; parental monitoring of child
- Extended family support and involvement, including caregiving help
- Stable relationship with parents
- Parents have a model of competence and good coping skills
- Family expectations of pro-social behavior
- High parental education

Community Protective Factors

- Mid to high socioeconomic status

- Access to health care and social services
- Consistent parental employment
- Adequate housing
- Family religious faith participation
- Good schools
- Supportive adults outside of family who serve as role models/mentors to child

Societal Protective Factors

- Families with two married parents encounter more stable home environments, fewer years in poverty, and diminished material hardship
- Supportive institutions in the society such as good child care and healthcare

The Consequences of Child Abuse

An estimated 905,000 children were victims of child abuse or maltreatment in 2006 (USDHHS-ACF, 2008). While physical injuries may or may not be immediately visible, abuse and neglect can have consequences for children, families, and society that last lifetimes, if not generations.

The impact of child abuse and neglect is often discussed in terms of physical, psychological, behavioral, and societal consequences. In reality, however, it is impossible to separate them completely. Physical consequences (such as damage to a child's growing brain) can have psychological implications (cognitive delays or emotional difficulties, for example). Psychological problems often manifest as high-risk behaviors. Depression and anxiety, for example, may make a person more likely to smoke, abuse alcohol or illicit drugs, or overeat. High-risk behaviors, in turn, can lead to long-term physical health problems such as sexually transmitted diseases, cancer, and obesity. In addition to the human consequences, all of these consequences also have an economic impact on a society.

Not all abused and neglected children will experience long-term consequences. Outcomes of individual cases vary widely and are affected by a combination of factors, including (CWIG, 2010a; CDC, 2007a; CDC, 2007b):

- The child's age and developmental status when the abuse or neglect occurred
- The type of abuse (physical abuse, neglect, sexual abuse, etc.)
- Frequency, duration, and severity of abuse
- Relationship between the child victim and the abuser.

Physical Health Consequences

The immediate physical effects of abuse or neglect can vary greatly; the effects may be relatively minor (bruises or cuts) or severe (broken bones, hemorrhage, or even death). In some cases the physical effects are temporary; however, the pain and suffering they cause a child should never be discounted. The long-term impact of child abuse and neglect on physical health is just beginning to be explored. Below are some outcomes researchers have identified (NINDS, 2010; USDHHS-ACF, 2008):

16. **Shaken baby syndrome.** Shaken baby syndrome is a type of inflicted traumatic brain injury that happens when a baby is violently shaken. A baby has weak neck muscles and a large, heavy head. Shaking makes the fragile brain bounce back and forth inside the skull and causes bruising, swelling, and bleeding, which can lead to permanent severe brain damage or death. The characteristic injuries of shaken baby syndrome are subdural hemorrhage (bleeding in the brain), retinal hemorrhages (bleeding in the retina), damage to the spinal cord and neck, and fractures of the ribs and bones. These injuries may not be immediately noticeable. Symptoms of shaken baby syndrome include extreme irritability, lethargy, poor feeding, breathing problems, convulsions, vomiting, and pale or bluish skin. Shaken baby injuries usually occur in children younger than 2 years old, but may be seen in children up to the age of 5 (NINDS, 2010).

The majority of infants who survive severe shaking will have some form of neurological or mental disability, such as

blindness, learning disabilities, paralysis, cerebral palsy or mental retardation, which may not be fully apparent by 6 years of age. Children with shaken baby syndrome may require lifelong medical care (NINDS, 2010).

- **Impaired brain development.** Child abuse and neglect have been shown, in some cases, to cause important parts of the brain to fail to form properly, resulting in impaired physical, mental, and emotional development. In other cases, the stress of chronic abuse causes a "hyperarousal" response by certain areas of the brain, which may result in hyperactivity, sleep disturbances, and anxiety, as well as increased vulnerability to post-traumatic stress disorder, attention deficit/hyperactivity disorder, conduct disorder, and learning and memory difficulties.
- **Poor physical health.** A study of 700 children who had been in foster care for 1 year found more than one-quarter of the children had some kind of recurring physical or mental health problem (National Survey of Child and Adolescent Well-Being). A study of 9,500 HMO participants showed a relationship between various forms of household dysfunction (including childhood abuse) and long-term health problems such as sexually transmitted diseases, cancer, chronic lung disease, skeletal fractures, and liver disease.
- **Death**

Psychological Consequences

The immediate emotional effects of abuse and neglect—fear, isolation, and an inability to trust—can translate into lifelong consequences including low self-esteem, depression, and relationship difficulties. Researchers have identified links between child abuse and neglect and the following (USDHHS-ACF, 2007):

- **Poor mental and emotional health.** In one long-term study, as many as 80 percent of young adults who had been abused met the diagnostic criteria for at least one psychiatric disorder at age 21. These young adults exhibited problems, including depression, anxiety, eating disorders, and suicide attempts. Other psychological and emotional conditions associated with abuse and neglect include panic disorder, dissociative disorders, attention-deficit/hyperactivity disorder, post-traumatic stress disorder, and reactive attachment disorder.
- **Cognitive difficulties.** The National Survey of Child and Adolescent Well-Being recently found children placed in out-of-home care due to abuse or neglect tended to score lower than the general population on measures of cognitive capacity, language development, and academic achievement.
- **Social difficulties.** Children who are abused and neglected by caretakers often do not form secure attachments with them. These early attachment difficulties can lead to later difficulties in relationships with other adults as well as peers.

Behavioral Consequences

Not all victims of child abuse and neglect will experience behavioral consequences; however, child abuse and neglect can make the following more likely (USDHHS-ACF, 2007):

- **Difficulties during adolescence.** Studies have found abused and neglected children to be at least 25 percent more likely to experience problems such as delinquency, teen pregnancy, low academic achievement, drug use, and mental health problems.
- **Juvenile delinquency and adult criminality.** A National Institute of Justice study indicated being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59 percent. Abuse and neglect increase the likelihood of adult criminal behavior by 28 percent and violent crime by 30 percent.
- **Alcohol and other drug abuse.** Research consistently reflects an increased likelihood that abused and neglected children will smoke cigarettes, abuse alcohol, or take illicit drugs. According to the National Institute on Drug Abuse, many as two-thirds of people in drug treatment programs reported being abused as children (2000).
- **Abusive behavior.** Abusive parents often have experienced abuse during their own childhoods. It is estimated that approximately one-third of abused and neglected children will eventually victimize their own children (PCA-NY).

Societal Consequences

While child abuse and neglect almost always occur within the family, the impact does not end there. Society as a whole pays a price for child abuse and neglect, in terms of both direct and indirect costs (USDHHS-ACYF, 2007).

- **Direct costs.** Direct costs include those associated with maintaining a child welfare system to investigate allegations of child abuse and neglect, as well as expenditures by the judicial, law enforcement, health, and mental health systems to respond to and treat abused children and their families. A 2001 report by Prevent Child Abuse America estimates these costs at \$24 billion per year.
- **Indirect costs.** Indirect costs represent the long-term economic consequences of child abuse and neglect. They include juvenile and adult criminal activity, mental illness, substance abuse, and domestic violence. They can also include loss of productivity due to unemployment and underemployment, the cost of special education services, and increased use of the health care system. Prevent Child Abuse America recently estimated these costs at more than \$69 billion per year (2001).

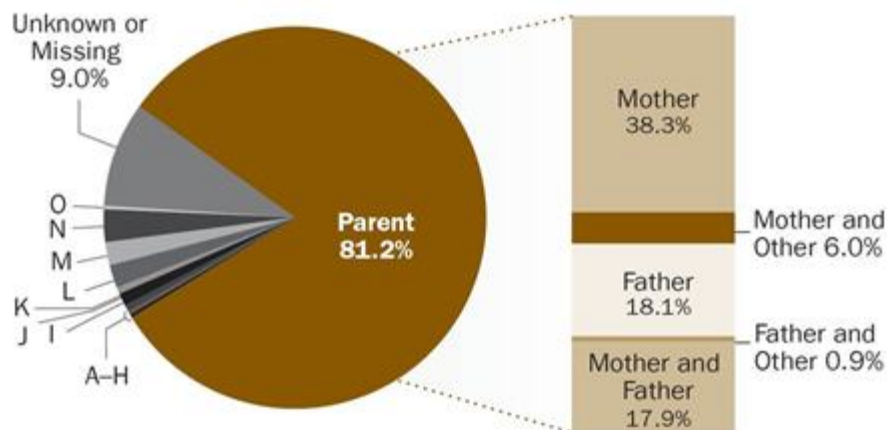
According to Prevent Child Abuse America (2007), the economic cost of child abuse was estimated to be 103.8 billion in 2007. This estimation is considered to be conservative, as it focuses only on the direct costs of hospitalized abused children. There are many costs associated with child abuse and many children's victimization did not result in hospitalization. Additionally, the vast amount of pain and suffering and other intangible costs have not been factored into the above dollar amount (PCA-A, et al., 2007).

Perpetrators of Child Abuse

It is a myth that strangers most often abuse children. By far the vast majority of maltreated children are victimized by those who are familiar to the child and who have ready access to the child. Relatives of the child are most often the perpetrators of child abuse. In particular, parents make up the majority of child abuse perpetrators.

In 2008, more than 80% (81.1%) of perpetrators were parents of the victim. Of those victims maltreated by a parent, nearly 40 percent (38.8%) were maltreated by their mother acting on her own; 18.1% were maltreated by fathers; 17.9% were maltreated by both parents; 6.0% of victims were maltreated by the mother and another person; 0.9% of maltreated children were victimized by the father and another person; other relatives accounted for an additional 4.7%; unmarried partners of parents accounted for 2.5% (USDHHS-ACF, 2010).

Figure 3–6 Victims by Perpetrator Relationship, 2008



Nonparental

- | | |
|---|--|
| A Daycare Staff 0.5% | I More than One Nonparental Perpetrator 1.1% |
| B Foster Parent (Female Relative) 0.0% | J Other Professional 0.1% |
| C Foster Parent (Male Relative) 0.0% | K Partner of Parent (Female) 0.3% |
| D Foster Parent (Nonrelative) 0.2% | L Partner of Parent (Male) 2.2% |
| E Foster Parent (Unknown Relationship) 0.1% | M Relative (Female) 1.7% |
| F Friend or Neighbor 0.4% | N Relative (Male) 3.0% |
| G Legal Guardian (Female) 0.1% | O Staff Group Home 0.2% |
| H Legal Guardian (Male) 0.0% | |

Based on data from table 3–15.

Courtesy of the Children's Bureau, Administration for Children and Families, US Department of Health and Human Services (2010)

In 2008, 56.2 percent of the perpetrators were women, 42.6 percent were men and 1.1 percent were of unknown sex. Of the women who were perpetrators, more than 40 percent (45.3%) were younger than 30 years of age, compared with one-third of the men (35.2%). These proportions have remained consistent for the past few years (USDHHS-ACF, 2010).

The racial distribution of perpetrators was similar to the race of their victims. During 2008, nearly one-half (47.8%) of perpetrators were White and one-fifth (19.6%) were African-American. Approximately 20 percent (19.5%) of perpetrators were Hispanic. These proportions also have remained consistent for the past few years (USDHHS-ACF, 2010).

More than one-half (61.1%) of all perpetrators were found to have neglected children. Approximately 10 percent (10.0%) of perpetrators physically abused children and 6.8 percent sexually abused children. More than 13 percent (13.4%) of all perpetrators were associated with more than one type of maltreatment (USDHHS-ACF, 2010).

Perpetrators were analyzed by relationship to their victims and type of maltreatment. For this analysis, a perpetrator is counted once for each child for each report. Therefore, the pattern of perpetrators closely mirrors the pattern of maltreatment types. In other words, neglect represented both the most frequent form

of maltreatment and the greatest number of perpetrators. Physical abuse ranked second, and so on.

Overall, 6.8 percent of all perpetrators were associated with sexually abusing a child. However, analyzing the data by perpetrator category shows that of the perpetrators who were categorized as friends and neighbors, 2,335 of 4,007 (58.3%) committed sexual abuse. Of the perpetrators who were categorized as "other," 13,056 of 31,858 (41.0%) committed sexual abuse, and of the perpetrators who were categorized as other professionals, 349 of 967 (36.1%) committed sexual abuse (USDHHS-ACF, 2010).

Talking With Children

Whenever discussing potential abuse with a child, some basic considerations include the following:

Do:

- Find a private place to talk.
- Remain calm.
- Be honest, open and up front with the child.
- Use age-appropriate language.
- Remain supportive to the child.
- Listen to the child.
- Stress that it is **NOT** the child's fault.
- Report the situation immediately.

Don't:

- Overreact.
- Make judgments
- Make promises
- Interrogate the child or try to investigate. This is especially important in sexual abuse cases.

Reporting Child Abuse and Maltreatment

As previously stated, mandated reporters fail to report child abuse and maltreatment because they feel they cannot identify abuse correctly and they feel they do not know the correct procedure for reporting. Additionally, people sometimes fear that reporting child abuse or maltreatment will destroy a family. The truth, however, is that reporting should lead to getting help for the family by protecting the child from further suffering and harm and by assisting the family in facing and overcoming its problems. Professionals can all help end child abuse by their efforts to become more aware of the signs of child abuse and maltreatment and reporting suspected cases (PCA-NY, n.d.; NYCACS, 2010; NYS-OCFS, 2009).

As mentioned previously, more than one-half (57.9%) of all reports made to Child Protective Services agencies nationally came from professionals who came in contact with the child as part of their professional responsibilities. In 2008, the three most common sources of reports were from professionals-teachers (16.9%), lawyers or police officers (16.3%), and social services staff (10.6%) (USDHHS-ACF, 2010). In New York State, many of these professions are required by law to report suspected abuse or neglect.

Non-professionals submitted approximately 42% of reports. These reports were made by parents, relatives, friends and neighbors, alleged victims, alleged perpetrators, anonymous callers, and "other" sources (which may include clergy members, sports coaches, camp counselors, bystanders, volunteers, and foster siblings). It is important for everyone to know the signs that may indicate maltreatment and how to report it. We all share a responsibility to help keep children safe as we take steps to prevent abuse from occurring in the first place.

Professionals Mandated to Report

New York State has identified select professionals, who bring specific skills to the process, to be in the very important role of mandated reporter of child abuse or maltreatment. The complete current list can be found in Section 413 of the New York Social Services Law. These mandated professionals are:

- Alcoholism counselor
- Child care or foster care workers
- Chiropractor
- Christian Science practitioner
- Coroner
- Day care center worker
- Dentist
- Dental hygienist
- District attorney or assistant district attorney
- Emergency medical technician
- Employee or volunteer in a residential care facility for children
- Hospital personnel engaged in the admission, examination, care or treatment of persons
- Intern
- Investigator employed in the Office of the District Attorney
- Law enforcement officials
- Licensed creative arts therapist
- Licensed marriage and family therapist
- Licensed mental health counselor
- Licensed psychoanalyst
- Medical examiner
- Mental health professional
- Optometrist
- Osteopath
- Peace officer
- Physician
- Podiatrist
- Provider of family or group family day care
- Police officer
- Psychologist
- Registered nurse
- Registered physician assistant
- Resident
- School official (As of July 3, 2007, this includes, but is not limited to: school teachers, guidance counselors, school psychologists, school social workers, school nurses, school administrators, or other school personnel required to hold a teaching or other administrative license or certification.)
- Social services worker
- Social Worker
- Substance abuse counselor
- Surgeon

The Role of the Mandated Reporter

By identifying certain professionals as mandated reporters of child abuse and maltreatment, the State of New York is attempting to ensure that this select group of individuals will do so as part of their professional responsibilities. The role of the mandated reporter is to: **report suspected incidents of child abuse or maltreatment/neglect while acting in their professional capacity.**

When a mandated reporter has reasonable cause to suspect that a child whom the reporter sees in his/her professional or official capacity is abused or maltreated, the professional must report the abuse, maltreatment or neglect.

Additionally, a mandated reporter must report when s/he has **reasonable cause to suspect** that a child is abused or maltreated where the parent or person legally responsible for the child comes before them in

his/her professional or official capacity and states from personal knowledge facts, conditions, or circumstances which, if correct, would render the child abused or maltreated.

Reflecting changes to the child abuse reporting laws, which came into effect on July 3, 2007, **whenever** a mandated reporter suspects child abuse or maltreatment while acting in her/his professional capacity as a staff member of a medical or other public or private institution, school, facility or agency, he or she must report the child abuse **personally**, as required by law and then immediately notify the person in charge of that school, facility institution or her/his designated agent that a report was made. The mandated reporter must include, to the best of the reporter's ability, the names, titles and contact information for each staff person in the institution who has direct knowledge of the allegations in the report. The law does not require more than one report from the institution, school, facility or agency on any one incident of suspected abuse or maltreatment. The person in charge of the institution, school, facility or agency, or the designated agent, is then responsible for all subsequent administrative actions in support of the report.

The 2007 changes made by the New York State Legislature clarified that **reporting internally to the person in charge does not discharge the mandated reporter's obligation to report to the State Central Register**. Additionally, the revised law states that any person in charge of a medical or other public or private institution, school, facility or agency may not prevent the staff member, who is a mandated reporter, from making a report. The revised law specifically states that no retaliatory personnel actions can be taken against mandated reporters by the institution. Additionally, 2007 revision to the law stated that no school, school official, child care provider, foster care provider, residential care facility provider, hospital, medical institution provider, or mental health facility provider may impose additional conditions about reporting, such as prior approval or prior notification, upon any staff members who are mandated reporters of child abuse and maltreatment.

Also in 2007, Chapter 513 of the Laws of 2007, also known as Xctasy's Law amended Section 413 of the Social Services Law. Mandated reporters' responsibility to report applies when a child, parent, guardian, custodian other person legally responsible for the child, or any other person appearing before the social services worker comes before the mandated reporter in his or her professional or official capacity and states facts, conditions or circumstances based on personal knowledge sufficient to give the social services worker a reasonable cause to suspect child abuse or maltreatment. This change only affects social services workers; the reporting standard did not change for other mandated reporters.

Social services workers are identified by the New York State Office of Children and Family Services (OCFS) as the following:

17. Professional and paraprofessional staff of local social services districts. This would include child welfare staff, all professional and paraprofessional local district staff, regardless of their function or area of responsibility, who provide services to children and/or families. For example, public assistance staff, adult protective services workers and Medicaid staff would be included.
 18. Professional and paraprofessional staff that provide services to children and/or families, who work for organizations or entities that have contracts-as well as individuals who have contracts or subcontracts- with local social services districts, as well as providing services related to foster care, adoption, or preventive services.
- OCFS regional office staff that have responsibilities for inspections or investigation of complaints at residential facilities and day care programs, other than those staff whose sole responsibility is to inspect facilities and investigate complaints related to physical plant or building safety issues.

Reasonable Cause to Suspect: Certainty is not required

Do you as a mandated reporter have to be certain that abuse, maltreatment or neglect has actually occurred? Do you need to have proof before you report your suspicions?

In New York State, a mandated reporter can have "reasonable cause" to suspect that a child is abused or maltreated, if, considering what physical evidence s/he observes or is told about, and from his/her own training and experience, it is possible that the injury or condition was caused by non-accidental means. **The mandated reporter need not be absolutely certain that the injury or condition was caused by neglect or by non-accidental means**; the reporter should only be able to entertain the possibility that it could have been neglect or non-accidental in order to possess the necessary "reasonable cause".

The mandated reporter does not have to prove the abuse or maltreatment. It is enough for the mandated reporter to be suspicious, to distrust or doubt what s/he personally observes or is told. Many factors can and should be considered in the formation of that doubt or distrust in potential abuse cases: Physical and behavioral indicators are helpful in forming a reasonable basis of suspicion. Although these indicators are not diagnostic criteria of child abuse, neglect or maltreatment, they illustrate important patterns that may be recorded in the written report when relevant.

Reasonable Cause/When to Report

Case #1: Corey

Does the emergency department physician have reasonable cause to suspect that Corey has been abused? Should a report be made?

The emergency department physician was given conflicting information about how Corey was injured (the EMS personnel reported that Corey had been hit with a softball during practice; Corey reports he was "beat up"). Corey seems so distressed by his father's presence and the father is very angry at Corey and humiliates him, despite the boy's injury and pain. Corey's father seems to have particular anger towards what he perceives as Corey's shortcomings. As the emergency department physician you report Corey to the SCR.

Case #2: Juanita

As the family nurse practitioner who knows this family well, you decide to ask mother and daughter about what happened that upset them both so much. Mom does not respond, but Juanita blurts out that she stole some nail polish and lipstick from the drug store and her mother found out once they got home. Mom uses corporal punishment in dealing with Juanita and she slapped the girl across the face as well as grabbed her arm rather roughly. She ordered Juanita to take the items back to the store and to apologize to the clerk at the store. Juanita, although initially minimizing her actions, began to feel guilt and remorse for her actions. She was still recovering from the incident that had occurred earlier today.

After Juanita confessed her crime to the nurse practitioner, Mom confirmed the story and talked about how upset she was that her daughter had stolen from the store. She was angry because she is a religious woman who lives by a strict moral code and feels betrayed by her daughter for not also living by the values she thought she had instilled in her daughter. As the nurse practitioner, you believe the explanation that the mother and daughter provide you and you encourage them to continue to talk about the incident with each other. You decide this is not a case of potential abuse and you do not report this to the SCR.

Case #3: Sam

As Sam's teacher and a mandated reporter, do you have reason to suspect that Sam may be the victim of both neglect and abuse in his home?

Sam is often not dressed appropriately for the weather. He is teased by his classmates, largely for his nervousness, anxiety and poor eye contact. His injured ankle has not been treated even though you sent a note home almost two weeks ago.

You decide that you do indeed suspect neglect and possible abuse. You talk to your principal about making a report for neglect and request that the family be evaluated for possible abuse as well.

Case #4: Alicia and Martin

As the visiting nurse you recognize the obvious signs of neglect in the Alicia and the signs of abuse and neglect in Martin. You call the SCR and discuss the immediacy of the need for safety and services (ie. This is the first time you have been in the house in 6 weeks; there is a history of cocaine use; Alicia has lost a significant amount of weight and there is no formula or food in the house; Martin has been abused multiple times and is fearful of adults). You request that immediate action be taken; it is your belief that the children are not safe in the home at this time.

Case #5: Tisha

As the family nurse practitioner in the primary care practice, you must report Tisha to the SCR. In a child as young as Tisha, only 5 years old, a positive lab test for syphilis is a strong indication that the child is being sexually abused. You report the positive result to Tisha's mother, who becomes tearful and angry and agrees to cooperate with the report, because she fears that Tisha has been sexually abused and is very upset that she has not been able to keep her daughter safe. She wants to find out how this could have happened.

Case #6: Leah and Tisha

Does the clinical social worker have a legal obligation to report what the patient, Leah, has told her? The clinical social worker hasn't been treating Tisha, rather it is Leah who is her patient. Is the social worker required to make a report to the State Central Register? Yes. As stated previously, mandated reporter must report when s/he has reasonable cause to suspect that a child is abused or maltreated where the parent or personal legally responsible for the child comes before them in her/his professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child abused or maltreated. The therapist is in contact with Leah because Leah has sought out the professional's services. Leah lives in the home with her husband and with Tisha. If what Leah saw was true, then it is reasonable to suspect that abuse may be occurring.

The clinical social worker may want to work with Leah, to assist her to make the report, but this does not take the place of the requirement for the clinical social worker, as a mandated reporter to report her suspicions of sexual abuse.

Case #7: Marcus, Amber and Isaiah

The school nurse meets with the teachers of the Shaw children, requesting their perspectives on whether or not the Shaw children are neglected. She learns that they rarely miss school. Amber and Isaiah are average students, but Marcus is in gifted classes. There has never been any suspicion on the part of the teachers that there may be any abuse in the family. Given what the Shaw children have told the nurse, as well as the teachers' reports, the nurse decides to refer the Shaw children for the school breakfast and lunch programs, seeing this as a financial issue, not a case of neglect. The nurse does not report the Shaw children to the SCR, but refers them and their family to the social service office for other potential entitlements.

Case #8: Tim

As the nurse for this residential treatment center and a mandated reporter, Jean knows that she has a legal obligation report her suspicions of child abuse. This legal requirement overrides any loyalty she may feel towards her employer. She also recognizes that reporting may put her job in jeopardy, since the employer has "investigated" and does not believe the allegations of abuse. Given what Tim has told her, the bloody underwear, and her own discomfort/suspicions when observing staff/client interactions, Jean knows that she has a legal responsibility to report. Ethically and professionally, she also recognizes that she must report, despite whatever ramifications there may be from her employer.

Despite the internal investigation that was conducted by the employer, Jean still has a legal responsibility to report her suspicion of sexual abuse. Additionally, the 2007 changes to the child abuse reporting laws also protect the mandated reporter from retaliation for reporting from the employing agency.

How to Report

Suspicion of child abuse and maltreatment/neglect must be immediately reported by telephone, at any time of the day, seven days per week.

A written report must be filed within 48 hours of the oral report. Oral telephone reports should be made to the New York State Central Register of Child Abuse and Maltreatment (SCR) by calling the statewide, toll-free telephone number for mandated reporters:

MANDATED REPORTER EXPRESS LINE

1-800-635-1522

General Public: 1-800-342-3720
Outside NY State: 1-518-474-8740

Outside of New York State or Nationally

If you suspect that a child is being abused or maltreated/neglected, you should call your local Child Protective Services (CPS) agency or the CPS agency in the State in which the abuse occurred. As you identify the appropriate agency for making a report, remember the following:

- Not every State has a toll free hotline, or the hotline may not operate on a 24 hour basis.
- If a toll free (800 or 888) number is available, it may be accessible only from within that State.

Federal agencies have no authority to intervene in individual child abuse and neglect cases.

Each state has its own procedure for reporting child abuse. A listing of phone numbers for the states that have them is available at http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=11-11172. If a number is not listed, or if you need to report suspected abuse in a State other than your own, please call:

Childhelp® USA National Child Abuse Hotline
1-800-4-A-CHILD® (1-800-422-4453)
TDD: 1-800-2-A-CHILD

Childhelp® USA is a non-profit agency which can provide reporting numbers, and has Hotline counselors who can provide referrals.

New York State-Telephone Reporting

Mandated reporters can prepare themselves to make the report by compiling information needed for the report. While having all of the information needed would be ideal, the mandated reporter should not wait to report just because some of the information is missing. To the extent possible, when calling to report child abuse or maltreatment/neglect, attempt to provide the following information:

Information that must be included in the telephone report:

1. The names and addresses of the child and his/her parents or other person responsible for his/her care;
2. The child's age, gender and race;
3. The nature and extent of the child's injuries, abuse or maltreatment/neglect, including any evidence of prior injuries, abuse or maltreatment of the child or his/her siblings;
4. Is the child at risk for harm? How?
5. The name of the person or persons responsible for causing the injury, abuse, or maltreatment/neglect; o Family composition;
6. Where is the child now? Where are siblings now?
7. The source of the report: The person making the report and where s/he can be reached;
8. The actions taken by the reporting source, including the taking of photographs or X-rays, removal or keeping of the child, or notifying the medical examiner or coroner; and
9. Any additional information that might be helpful; for example, are there special needs or medications? What are they? Are there concerns for local CPS such as weapons, aggressive dogs or drugs in the home?

Written Report

The written report is made on form LDSS-2221A. We should have a copy of the form in the course here. The written report can be accessed at <http://www.ocfs.state.ny.us/main/cps/>

The written report, signed by the reporter, must be filed with the local child protective service (CPS) within 48 hours of the oral report. You may request the address of the investigative district from the child protective specialist at the time you make the oral report to the State Central Register of Child Abuse and Maltreatment.

A written report that involves a child who is in foster care or in residential care, should be submitted to the New York State Child Abuse and Maltreatment Register, 40 North Pearl Street, Albany, NY 12243. Mandated reporters may wish to maintain additional careful notes for their own personal records, noting important information such as dates, times, places, names of individuals involved in any aspect of the case.

Mandated reporters may wish to maintain additional careful notes for their own personal records, noting important information such as dates, times, places, names of individuals involved in any aspect of the case. For the purpose of reported suspected cases of child abuse and maltreatment/neglect to the SCR and CPS, it is important to understand the definition of who can be the "subject of the report".

The **Subject of the report** means any

- Parent
- Guardian
- Custodian, or

- Other person 18 years of age or older who is legally responsible for a child reported to the SCR and who is allegedly responsible for causing - or allowing the infliction of - injury, abuse, or maltreatment/neglect of such child.
- The operator of, employee of, or volunteer in a home operated or supervised by an authorized agency, the Division for Youth, or an office of the Department of Mental Hygiene, or
 - A family day-care home, day-care center, group family day-care home, or a day services program
 - And who is allegedly responsible for causing - or allowing the infliction of - injury, abuse or maltreatment/neglect to a child who is reported to the SCR.

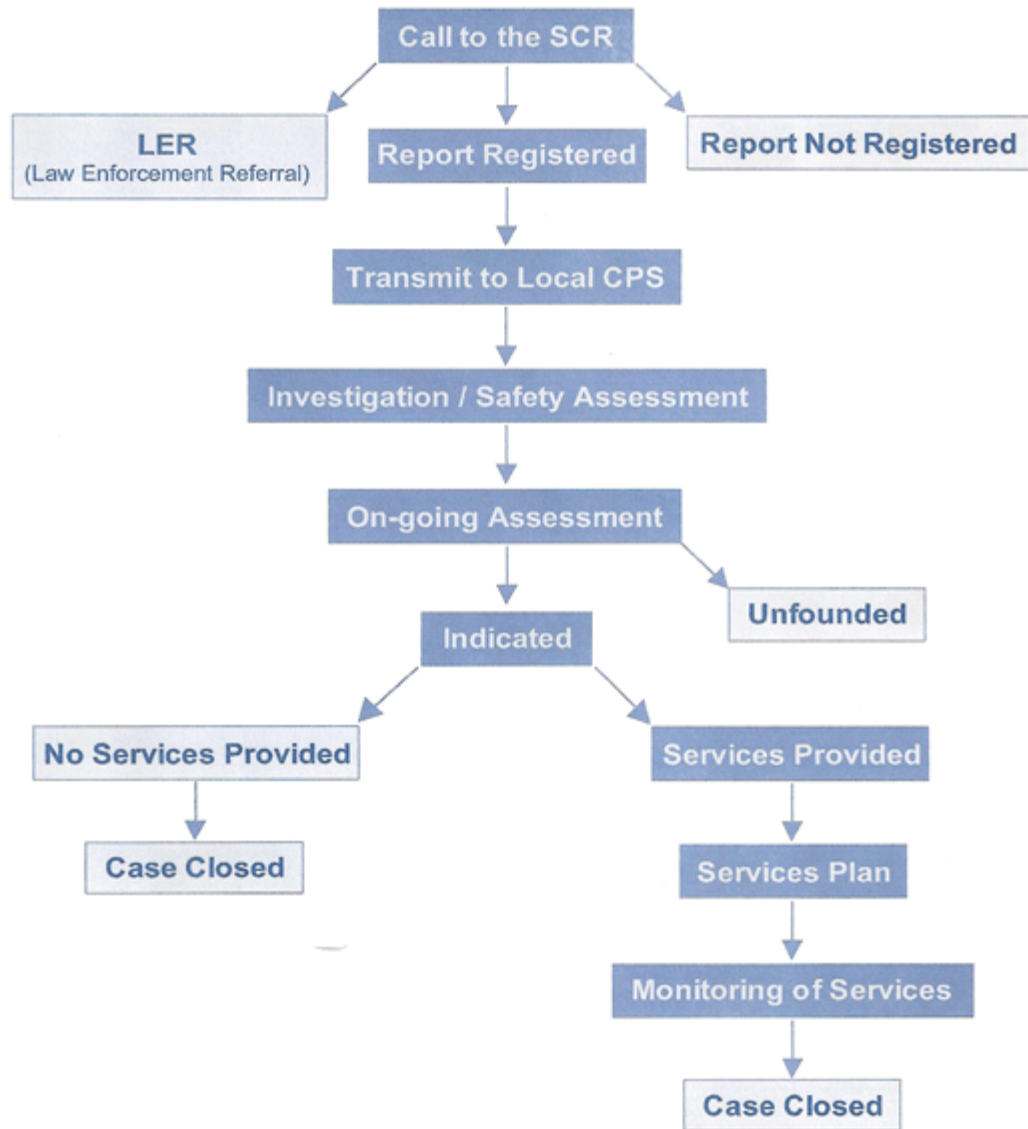
Abuse and maltreatment/neglect can certainly be caused by persons other than parents or the person who is legally responsible for the child's care, such as neighbors or strangers. Such individuals might not fit the legal definition of the "subject of the report". In these cases, it is the **law enforcement authorities** that should be contacted directly. If a mandated reporter calls the SCR in a situation in which the person allegedly responsible for the abuse or maltreatment/neglect cannot be the subject of a report, and if the SCR believes that the alleged acts or circumstances described by the mandated reporter may constitute a crime or an immediate threat to the child's health or safety, the SCR is required by law to transmit the information contained in the call to the appropriate law enforcement agency, district attorney or other public official empowered to provide necessary aid or assistance.

What Happens After a Report is Made

After taking the report of child abuse or maltreatment/neglect from a mandated reporter, staff at the SCR, based on the information provided will make a determination if the report is to be registered and investigated by the local Child Protective Service (CPS), if it will be referred to law enforcement or if the report is not registered (see Figure 2. The New York State Child Protective Services System).

Figure 2. The New York State Child Protective Services System

New York State Child Protective Services System



There were 159,556 reports of child abuse and maltreatment made to the New York State Central Register of Child Abuse and Maltreatment (SCR), sometimes called the Child Abuse Reporting Hotline, in 2008 (USDHHS-ACF, 2010). The CPS unit of the local Department of Social Services is required to begin an investigation of each report within 24 hours. The investigation should include an evaluation of the safety of the child named in the report and any other children in the home, and a determination of the risk to the children if they continue to remain in the home. In 2008, upon investigation, 50,989 reports were substantiated as situations of child abuse and/or neglect. There are more victims than reports because more than one child is involved in some cases. In 2008, 108,567 reports of child abuse and maltreatment/neglect were determined to have been unsubstantiated (USDHHS-ACF, 2010).

CPS may take a child into protective custody if it is necessary for the protection from further abuse or

maltreatment. Based upon an assessment of the circumstances, CPS may offer the family appropriate services. The CPS caseworker has the obligation and authority to petition the Family Court to mandate services when they are necessary for the care and protection of a child.

After conducting interviews with family members, the alleged child victim, and sometimes other people familiar with the family, the CPS agency makes a determination concerning whether the child is a victim of abuse or neglect, or is at risk of abuse or neglect. This determination is often called a disposition.

CPS has 60 days after receiving the report to determine whether the report is "indicated" or "unfounded". The law requires CPS to provide written notice to the parents or other subjects of the report concerning the rights accorded to them by the New York State Social Services Law. The CPS investigator will also inform the SCR of the determination of the investigation.

The SCR may refer the report to law enforcement. This may occur if the "Subject of the Report" is not someone who meets the legal definition. The perpetrator of the abuse may not be someone who has the legal responsibility for the child. In such cases, referrals to law enforcement agencies are made in order to execute the appropriate legal action. There are situations in which both law enforcement and CPS will be involved, depending on who is the subject of the report and the nature of the injury and if any crimes have been committed.

In some cases, perhaps such as in Case #2 of Juanita, if the nurse practitioner had decided to report the family to the SCR, the report may not have been taken by the SCR staff. This may occur when there is information provided by the mandated reporter that indicates a more appropriate intervention would be family resolution or referral to a community resource.

The Abandoned Infant Protection Act

Like many states in the US, New York State passed a law to help stop people from abandoning newborns in unsafe and dangerous places. Every year newborns are abandoned in public places by their parents, who have no plan or ability to care for them.

The Abandoned Infant Protection Act (AIPA) created an affirmative defense to the criminal charges of Abandonment of a Child and Endangering the Welfare of a Child, when the following conditions are met:

- The abandoned infant can be no more than 5 days old.
- The person abandoning the infant must have intended the child be safe and well cared for. They cannot have intended the child any harm.
- The infant must be left with an appropriate or suitable location. Should the infant be left in a suitable location, and appropriate person must be notified immediately of the child's location so the child can be taken into custody and cared for.

A "suitable location" has been identified by district attorneys in New York State as being:

- Hospitals
- Police stations
- Fire stations
- As long as they are open and staff is present.

An "appropriate person" has been identified as:

- Employees of the suitable location that are trained to deal with emergency situations.

- At a hospital, a doctor, nurse or emergency room personnel would be suitable. Any on-duty police officer at a police station or fire-persons or emergency medical technicians (EMTs) at a fire station would also be appropriate.

The Abandoned Infant Protection Act and Mandated Reporters

While the AIPA offers protection for parents who safely abandon their infants if they meet criteria previously mentioned, AIPA in no way changes the responsibilities of the mandated reporter. Mandated reporter must still report abandonment if s/he learns of the abandonment. Whether or not all of the information is known, the mandated reporter is still obligated to fulfill their responsibilities as a mandated reporter. For example, if the mandated reporter is unsure of the name of the person who abandoned the child, the reporter must still make the report.

The Abandoned Infant Protection Act and Social Services Law/Family Court Act

The AIPA does not change the laws pertaining to child abuse and maltreatment under current New York State legal requirements. Persons who abandon infants under AIPA will still be indicated as subjects of child maltreatment reports and may still have petitions for child neglect brought against them in family court.

Mandated reporters who have any questions about the Abandoned Infant Protection Act should contact the AIPA Informational Hotline operated by the New York State Office of Children and Family Services (OCFS) at 1-866-505-SAFE, or the OCFA Public Information Office at 518-473-7793.

Conclusion

Because mandated reporters work in professional capacities in many occupations that interface with children, New Yorkers are counting on you to recognize child abuse and maltreatment/neglect, in all its forms, when you see it. Once identified, New Yorkers are counting on mandated reporters to report their suspicions to the SCR. It is critical that all mandated reporters understand their legal responsibility to report, as well as take on the professional and ethical responsibility to stop the abuse and maltreatment/neglect and end the suffering of children.



Ken Hammond, USDA

Resources

Prevent Child Abuse - New York

134 South Swan Street

Albany, NY 12210

(518) 445-1273

www.preventchildabuseny.org

Parent Helpline 800.342.7472

New York State Office of Children and Family Services

<http://www.ocfs.state.ny.us/main/>

ChildHelp USA

Hotline 800.422.4453

The National Clearinghouse on Child Abuse and Neglect Information (NCCAN) 800.FYI.3366

ChildFind (Registry for missing and Exploited Children)

800.222.1464

Domestic Violence

Hotline 800.799.7253



Ken Hammond, USDA

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Test

1. The most common form of child maltreatment, both in the US and in New York State is:
 - a. Physical abuse.
 - b. Sexual abuse.
 - c. Neglect.
 - d. Emotional abuse.

2. In New York State, a mandated reporter need not be absolutely certain that an injury or condition was caused by abuse or maltreatment/neglect; the reporter should only be able to entertain the possibility that it could have been neglect or non-accidental in order to possess the necessary "reasonable cause". The mandated reporter does not have to prove the abuse or maltreatment. It is enough for the mandated reporter to be suspicious, to distrust or doubt what s/he personally observes or is told.
 - a. True
 - b. False

3. Mandated reporters of child abuse and maltreatment/neglect in New York State:
 - a. Have immunity from prosecution if they reported in good faith.
 - b. Can be charged with a Class A misdemeanor for failing to report.

- c. May be civilly liable for any damages caused by failure to report.
 - d. All of the above.
4. In 2008, more than half of the reports of child abuse and maltreatment/neglect (57.9%) were made by professionals who are required to report their suspicions of abuse or maltreatment/neglect.
- a. True
 - b. False
5. According to the US Department of Health and Human Services, Administration for Children and Families' Report-Child Maltreatment-2008, the rate of child victimization has decreased slightly since 1990.
- a. True
 - b. False
6. Evidence of child maltreatment/neglect includes:
- a. Parental lack of correct information about child development, and child care practices.
 - b. Parental lack of communication, problem solving or parenting skills.
 - c. Failure to supply the child with food, clothing, shelter, education, healthcare although financially able to do so.
 - d. Poverty.
7. Physical abuse should be considered if:
- a. The caretaker explanation for the injury does not fit the physical evidence.
 - b. The explanation for the injury is not possible based on the child's developmental stage.
 - c. There are repeated or patterned injuries.
 - d. All of the above.

The following case relates to questions 8-12.

10 year old Michael was always a talkative, rambunctious and social boy with many friends. Last year his mother married a man who Michael liked very much. For approximately the last 6 months, Michael has been moody, sometimes being withdrawn and socially isolated and at other times, getting into fights at

- a. True
 - b. False
12. You follow-up the telephone report with a written report. You identify the "Subject of the Report" as Michael.
- a. True
 - b. False
13. Your report has initiated The New York State Child Protective Services System into action. Using this model, potential actions include all the following EXCEPT:
- a. Law enforcement involvement (Michael's step-father could be arrested).
 - b. Removal of Michael from the home (if he is in imminent danger).
 - c. Not investigating your report.
 - d. Services could be offered to the family, such as family therapy, individual child therapy for Michael.
14. The most frequent perpetrators of child abuse and maltreatment/neglect are:
- a. Strangers.
 - b. Caretakers who are not family members.
 - c. Parents.
 - d. Family members other than parents.
15. The Abandoned Infant Protection Act protects parents who safely abandon their infants but does not change the responsibility of the mandated reporter to report the abandonment if s/he learns of it.
- a. True
 - b. False