

**NIHSDA  
Management Training Conference  
June 7, 2016**

**Beyond the Mandate  
Understanding Why Staff Fail to Report Child Abuse**

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# Overview

- ◆ Review of types of child abuse
- ◆ Who are mandated reporters
- ◆ Categories of mandated reporters
- ◆ Reasons for reporting suspected child abuse
- ◆ Why mandated reporters fail to report suspected child abuse
- ◆ Typical Concerns: Guided Role Play
- ◆ Anecdotal Cases

# Types of Child Abuse

- ◆ Physical Abuse
- ◆ Physical Neglect
- ◆ Sexual Abuse
- ◆ Emotional Maltreatment



# Types of Abuse Defined

- **PHYSICAL ABUSE**

Non-accidental physical injury

- **PHYSICAL NEGLECT**

Severe Malnutrition

Health and Safety of child put at risk

- **SEXUAL ABUSE**

Sexual assault or exploitation of minors

Chronic molestation or single incident

Exploitation related to pornography

- **EMOTIONAL MALTREATMENT**

Verbal assaults, belittling

Constant family discord

# Physical Indicators of Abuse

## Physical Abuse

- ◆ Burns (cigarette, rope, scalding water)
- ◆ Fractures, lacerations, bruises that cannot be explained
- ◆ Facial injuries (black eyes, broken jaw)
- ◆ Pattern of bruising (different stages of discoloration)

## Neglect

- ◆ Failure to thrive
- ◆ Malnutrition
- ◆ Inappropriate dress for weather
- ◆ Dirty, unkempt
- ◆ Unattended medical conditions

## Sexual Abuse

- ◆ Bruising around genital area
- ◆ Swelling or discharge from vagina or penis
- ◆ Visible lesions around mouth or genitals
- ◆ Painful urination, defecation

# Behavioral Indicators of Abuse

## Physical Abuse

- ◆ Hostile or aggressive behavior towards others
- ◆ Extreme fear or withdrawn behavior
- ◆ Self destructive behavior / Verbally abusive

## Neglect

- ◆ Clingy or indiscriminate attachment
- ◆ Isolates self
- ◆ Seems depressed or passive

## Sexual Abuse

- ◆ Sexualized behavior (knowledge of explicit sexual behavior)
- ◆ Self destructive
- ◆ Eating disorders
- ◆ Promiscuous behavior

## Emotional Abuse

- ◆ Lacks self-esteem; puts self down constantly

# Child Maltreatment\*

- 865,643 Substantiated Cases of Maltreatment

## Maltreatment by Types:

- Physical Abuse: 122,159 (18%)
- Neglect: 539,576 (79.5%)
- Medical Neglect: 15,540 (2.3%)
- Sexual Abuse: 60,956 (9%)
- Psychological Maltreatment: 59,236 (8.7%)
- Other: 67,979 (10%)
  - Threatened Abuse
  - Parent's Drug / Alcohol Abuse
  - Safe Relinquishment of a Newborn

\*Data from *Child Maltreatment* ©2013

Children's Bureau, Administration on Children, Youth and Families

# Maltreatment Fatalities by Age\*

- 1,217 Maltreatment Fatalities

## Maltreatment Fatalities by Age:

– < 1 Year Old:	566 (46.5%)	} 89.7%
– 1 Year Old:	207 (17%)	
– 2 Years Old:	126 (10.4%)	
– 3 Years Old:	86 ( 7.1%)	
– 4 Years Old:	71 ( 5.8%)	
– 5 Years Old:	35 ( 2.9%)	
– 6-17 Years Old:	123 (10.3%)	
– 18-21 Years Old:	3 ( .2%)	

\* Data from *Child Maltreatment* ©2013  
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# Who are Mandated Reporters?

- ◆ Child care custodians
- ◆ Health practitioners
- ◆ Employees of a child protective agency
- ◆ Commercial film and photographic print processors



# Child Care Custodians

- ◆ Employee of a Licensed Child Care
- ◆ Group home personnel
- ◆ Instructional Assistant
- ◆ Licensing Worker
- ◆ Teacher
- ◆ Principal



# Who Reported\*

- **Suspected Maltreatment Reports by Source**

- Educational Personnel: 346,906 (17.5%)
  - Child Daycare Providers: 13,851 (.7%)
  - Social Service Personnel: 218,122 (11%)
  - Medical Personnel: 178,615 (9%)
  - Mental Health Personnel: 108,546 (5.5%)
  - Legal/Law Enforcement: 347,879 (17.5%)
- } 29%

**Victims: 6,477 (0.3%)**

\*Data from *Child Maltreatment* ©2013

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# The Role of Parents\*

- **Suspected Maltreatment Reports by Source**
  - **Parents: 6.7%**
- **Victims by Relationship to Their Perpetrators**
  - **Parents: 91.4%**

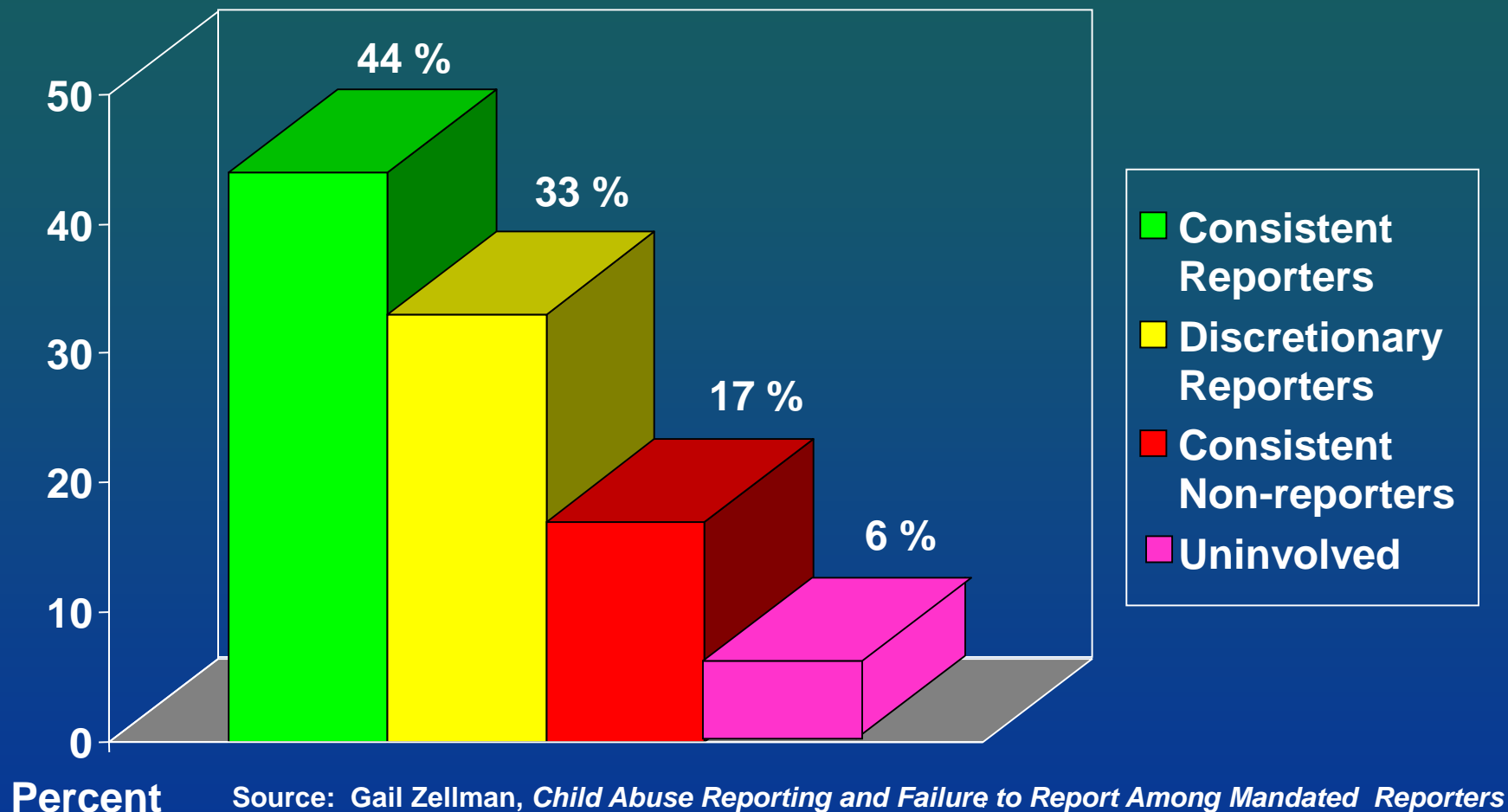
\*Data from *Child Maltreatment* ©2013

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# Categories of Mandated Reporters

- 🕒 **Consistent Reporters**, who always reported
- 🕒 **Discretionary Reporters**, who sometimes reported and sometimes did not
- 🕒 **Consistent Nonreporters**, who never reported
- 🕒 **Uninvolved**, who have never encountered suspected child abuse

# Categories of Reporters by %

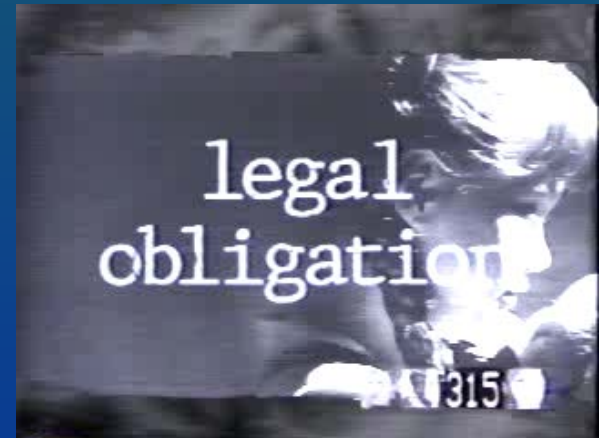


# Reasons **FOR** Reporting Suspected Child Abuse

 Legal and Professional Responsibilities

 Immediate Intervention

 Provide Assistance



# Reasons **FOR** Reporting

- **LEGAL AND PROFESSIONAL RESPONSIBILITIES**

Legal requirement

Fear of lawsuit

Workplace policy

- **PROVIDE ASSISTANCE**

Get help for child / family

Ensure continued treatment

Alert family to seriousness

- **IMMEDIATE INTERVENTION**

Stop maltreatment

Involve Child Protective Services expertise

Police to quickly protect child





# Virginia Mandated Reporting Law

- § 63.2-1509 A... If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, **such person may, in place of said report, immediately notify the person in charge** of the institution or department, or his designee, **who shall make such report forthwith**. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, **such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline** and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who **made the initial report**.

# Maryland Mandated Reporting Law

Family Law Article § 5-704. Reporting of abuse or neglect -- By health practitioner, police officer, educator or human service worker. (a) In general. -- Notwithstanding any other provision of law, including any law on privileged communications, **each health practitioner, police officer, educator, or human service worker, acting in a professional capacity** in this State: (1) (i) who has reason to believe that a child has been subjected to abuse, **shall notify the local department or the appropriate law enforcement agency**; or (ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department; **and** (2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

# Maryland Law: *Oral Reports*

(b) Oral and written reports; cooperation among departments and agencies. -- (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make: (i) an oral report, by telephone or direct communication, **as soon as possible**: 1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or 2. to the local department if the person has reason to believe that the child has been subjected to neglect;

# Maryland Law: *Written Reports*

and (ii) a written report: 1. to the local department **not later than 48 hours after** the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and 2. with a copy to the local State's Attorney if the individual has reason to believe that the child has been subjected to abuse. (2) (i) An agency to which an oral report of suspected abuse is made under paragraph (1) of this subsection shall immediately notify the other agency. (ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

# Why Mandated Reporters **FAIL** to Report Suspected Child Abuse

- ◆ Personal concerns
- ◆ Concerns about the effects of a report
- ◆ Victim characteristics
- ◆ Case characteristics
- ◆ Evidence issues
- ◆ System concerns

# Why Mandated Reporters FAIL To Report

- **PERSONAL CONCERNS**

Time consuming

Not sure how to do it

Fear of lawsuit for reporting

Discomfort with family

Unwilling to breach

Fear of losing job

Fear of being disciplined

Bad personal experience with reporting

Fear of retribution

- **CONCERNS ABOUT EFFECTS**

Increased Risk

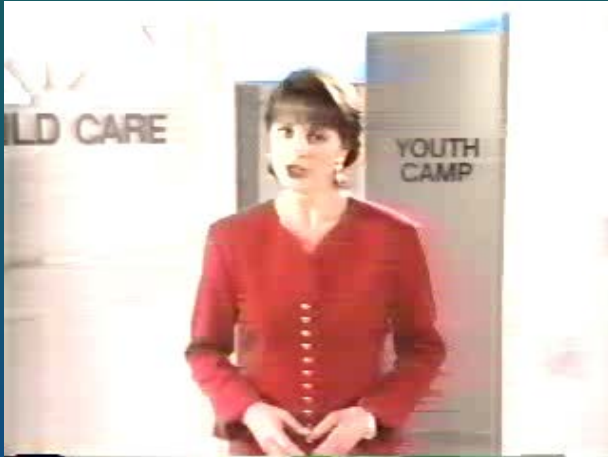
Family Disruption

Treatment Disruption

Fear of hurting someone they have  
connection with (child, family, parents)



# Why Mandated Reporters FAIL To Report



- **VICTIM CHARACTERISTICS**

- Adult victim

- **CASE CHARACTERISTICS**

- Already reported
- Situation resolved

- **EVIDENCE ISSUES**

- “I can’t ‘see’ it because I can’t think about it”
- Not serious enough
- Initial impression misleading
- Lack of evidence

- **SYSTEM CONCERNS**

- Help child better myself
- Authorities do nothing
- CPS overreacts
- “...but I turned out okay”
- Insensitive Police response
- “Bad things happened to me in the system”

# **We don't share that information.**

## **Include in:**

- **Parent handbooks and trainings**
- **Personnel policies & procedures**
- **Staff in-service trainings**



# Consider a Two-Part Policy

## Part 1: Procedures mandated by law

- **Fulfills legal requirements**
- **Maintains external confidentiality**
- **Provides for internal confidentiality when necessary**

## Part 2: Agency procedures




- **Ensures staff support for reporter and all staff**
- **Maintains external confidentiality**
- **Prepares agency to support child and family**

# **Consider Safety Strategies**

- **Physical safety of staff and families:**
  - **Onsite security**
    - **Private Unarmed security**
    - **Private Armed security / Off-Duty Police**
  - **Temporary restraining order if necessary**
- **Communication with staff and families:**
  - **Maintain confidentiality procedures**
  - **Note any specific threats**
  - **Ensure staff and families that safety measures have been taken**

# Typical Concerns: Guided Role Play

*From Caregivers of Young Children: Preventing and Responding to Child Maltreatment*

-  The parents seem like very angry people.  
What if the parents come after me.
-  I have no right to intervene in a family's affairs.
-  Their cultural practices are different from mine. I have no right to impose my child-rearing beliefs on them.

# Typical Concerns: Guided Role Play

*From Caregivers of Young Children: Preventing and Responding to Child Maltreatment*



I've worked with this parent and family for 5 years. I just can't believe he would sexually abuse the children. There must be some other explanation.



I just started at the center and don't want to be considered a troublemaker...but Mrs. Littleton is extremely rough with the children, and yesterday she left finger marks on both of Carmen's arms.

# Typical Concerns: Guided Role Play

*From Caregivers of Young Children: Preventing and Responding to Child Maltreatment*



The last time I reported, nothing happened. The child is still with his family, and the father is still abusing him. The CPS caseworker never even got in touch with me...This time, I'm not going to bother reporting.



I really don't think anything will get done, so what's the use of reporting.

# Typical Concerns: Guided Role Play

*From Caregivers of Young Children: Preventing and Responding to Child Maltreatment*



I might be sued by the parents for making a false report.



In every State, mandated reporters are immune from civil liability for making a report in good faith (where knowledge or reasonable suspicion exists), even if it is not substantiated by the investigator. Even if someone does sue you, the court will dismiss the case when they find out that you are a mandated reporter. Some States have provisions to pay your legal fees if you must defend a lawsuit.

# Anecdotal Cases

- ❏ My agency's *Policies & Procedures* require me to report all suspected abuse to the nurse. I am told that the nurse will *handle* all reports.
- ❏ I usually ask parents about their child's allegations before deciding to report.
- ❏ My director is good friends with the mother of a child who has disclosed to me. I don't want to lose my job.

# Anecdotal Cases

- The Head Start mental health consultant reports that the mother of a boy in the program is the victim of domestic violence. The child's teacher reports that the boy is using degrading words when he speaks to girls in the class.
- A friend approaches me and tells me her sister is the victim of domestic violence. She also indicates that the young children in the home are witnessing the violence. My friend knows that I am a mandated reporter.



# Anecdotal Cases

- ☐ Draft Policy on Confidentiality regarding Suspected Child Abuse Reports: *The parent or guardian of the child involved will be informed unless the safety and well-being of the child is jeopardized by doing so.*
- ☐ Even though I see new *suspicious* bruises, I don't need to report. We already reported on this child last week.

# Conclusion

- ◆ **Identifying Child Abuse**
- ◆ **Mandated Reporters**
- ◆ **Reasons for Reporting**
- ◆ **Why Mandated Reporters Fail To Report Suspected Child Abuse**
- ◆ **Typical Concerns and Anecdotal Cases**

**Remember...Protect Our Children**

**IF YOU  
SUSPECT CHILD ABUSE  
REPORT!**

**VIDEO**

# ***Shadows to Light***

**Produced by  
California Department of Justice  
©1995**

**Full Video Viewable at:**

***Shadows to Light on YOUTUBE***

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