

## What is Child Abuse?

Child abuse impacts all levels of our society and has long-term effects that threaten the health and well-being of our community.

### To Report Abuse

You may call Sacramento County Child Protective Services Emergency Hotline:

**(916) 875-5437**  
**(916) 875-KIDS**

The Information and Referral line provides resources available for the prevention, intervention, and treatment of child abuse and neglect: **(916) 244-1900**.

### What is Child Abuse? The California Definition

- A child is a person who has not attained the age of 18.
- Any act of omission or commission that endangers a child's physical or emotional health and development.

### What is Child Abuse? The Federal Definition

- A child is a person who has not attained the age of 18.
- 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.
- At a minimum, an act or failure to act which presents an imminent risk of serious harm?

To many, child abuse is narrowly defined as having only physical implication. In reality categories of child abuse includes:

- Physical abuse; unlawful corporal punishment or injury.
- General and severe neglect.
- Emotional abuse
- Sexual abuse; sexual assault; exploitation.
- Willful cruelty or unjustifiable punishment; emotional maltreatment.

Child abuse may involve multiple categories. They include both acts and omissions. Competent interventions must consider evaluating multiple categories of abuse. The **act** of inflicting injury or the **failure to act** so that injury results, **rather than the degree of injury, is the basis for making the decision to intervene.**

### Physical and Behavioral Indications that Child Abuse May be Occurring

- These indicators, or “red flags” are the things you might see, which might give you the suspicion
- that child abuse has occurred or is occurring.
- Below, you will be given lists of typical indicators for each type of abuse. However, here are no hard and fast rules on what indicator would be seen with a particular type of abuse. For example, bed-wetting is listed under sexual abuse, but it may also be found in instances of physical abuse.
- These indicators alone may not warrant a report, however, if in sufficient number and strength may indicate abuse.

#### Physical Abuse—California Penal Code Section 11165.3-11165.6

Physical Abuse is defined as physical injury inflicted on a child by other than accidental means to include but not limited to the following:

- Willful cruelty or unjustifiable punishment of a child where a person willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering.
- When a person willfully causes or permits the person or health of the child to be placed in a situation such that this or her person or health is endangered.
- Unlawful cruel or inhumane corporal punishment resulting in a traumatic condition.

#### Physical Abuse—Federal Guidelines

- Physical injury as a result of punching, beating, kicking, biting, burning, shaking or otherwise harming a child.
- The parent or caretaker may not have intended to hurt the child; rather the injury may have resulted from over-discipline or physical punishment.

#### The Four Distinct Characteristics of Non-Accidental Injuries

- Location of the injury
- Pattern of the injury
- Correlation of the story to the injury
- Degree or extent of the injury

#### Location of the Injury

- Injury from abuse is most often located on the following areas:
- Head and neck area (This area is vulnerable to injury because of a child’s small stature...it may be the closest body part to an adult’s hand or fist. Also, it is often targeted as it is where the crying, back talk, sass, bad language, etc. is emanating from. The area of the head

covered by hair may be targeted as the hair covers any bruising or lumps).

- Hands are targeted as they are actively exploring or “getting into things”
- Upper arms
- Front and backs of thighs
- Genital area
- Stomach
- Back
- Buttock
- Normal” childhood injuries are typically located on areas where the skin is close to the bone, such as:
  - *shins*
  - *knees*
  - *hips*
  - *elbows*
  - *lower arms*
  - *hands*

### **Pattern of the Injury**

- Injury or bruises in a pattern which reflects the object used - a belt buckle, a handprint (the hand is the most common object used), knuckles, bottom of an iron, etc.
- Frequency of and/or recurrent injuries to the same site - child abusers often injure their victim in the same manner or use the same implement
- Clustered bruises
- Human bite marks - this might be found in sexual abuse cases as well as physical abuse.
- Two black eyes - it is very unusual to have two black eyes unless you have been in a car accident, or have broken your nose

### **Correlation of the Story**

- The parent and/or child tell conflicting or confusing stories on how the injury occurred
- Treatment is delayed for fear of being caught
- Hospital or Doctor “hopping” to avoid suspicion because of frequent visits
- County “hopping” to avoid CPS intervention
- School “hopping” to avoid suspicion from school personnel
- Poisoning, especially in children under 6 months and over 6 years of age - children over six generally “know better” and children under 6 months are not “mobile.”

### **Conditions That Could Be Mistaken for Child Abuse**

- Children with hemophilia, low blood platelet count or Leukemia tend to bruise easily.

- A birth mark (sometimes call Mongolian Spot) is a deep purple/bluish/grayish birthmark which looks like a bruise. They can be anywhere on the body, but typically are on the buttocks and lower back. Mongolian spots are commonly found in African Americans, Asians and Hispanics.
- Impetigo is a skin condition with sores that look like crusty, healing burns.

### **General Indicators of Physical Abuse**

- Indication of abuse often remains on the body
- If a child discloses that abuse is/has occurred, it should be taken seriously
- Any injury which is unusual for child's age or development
- Shaken Baby Syndrome
- Retinal Hemorrhage
- Unexplained vision or hearing problems
- Lacerations/abrasions which are not regular childhood-type injuries
- Skeletal injuries and/or multiple fractures on different parts of the body
- Internal or abdominal injuries
- Absence of hair due to pulling
- Injuries from pulling or twisting
- Injuries in various stages of healing
- Moves stiffly or gingerly

### **Bruises**

- Bruises in various stages of healing
- Bruises that regularly appear after absences, weekends or vacations.
- Bruises of any kind on an infant, especially on the face and buttocks
- Clustered bruises
- Bruises reflecting the shape of the object used, such as the hand, belt buckle,

### **Burns**

- Burns in unusual places such as the soles of feet, palms of hands, buttocks, etc.
- Perfectly round burns the size of a cigarette tip or car lighter.
- Burns reflecting the pattern of the electrical appliance used, such as BBQ starter.
- Rope burns on limbs, neck or torso
- Scalding burns are the most common. Deliberate immersion burns will leave distinct waterlines such as:
- Burns resembling sock-like or mitten-like markings on the hands or feet
- "Doughnut" burn pattern on the buttocks - the child was pressed against in the bottom of the tub so forcibly, water doesn't come in contact with the center part of the buttock A child accidentally falling into scalding water would have splash or irregular shaped burns,

not distinct lines

- No burns in areas where the child has “flexed” in reaction to what was happening, I.e., arms tightened and folded against body, folds in the stomach, thighs against abdomen.
- Scalding burns on the back - child was probably trying to run away from perpetrator.

### **Behavioral Indicators of Physical Abuse**

- Child is uneasy or frightened when discussing injury
- Parent or child is overly passive or aggressive
- Child overly afraid or protective of parent
- Lags in development
- Bullies other children to “get even” with the world
- Constantly alert to danger
- Runs away
- Head banging
- Extreme or inappropriate reaction to pain
- Clinging
- Destructive behavior toward self and others
- Inappropriate dress to hide injury
- Chronic absence or tardiness in school
- School difficulties
- Arriving early and leaving late from school to avoid going home
- Wary of physical contact
- Parent may send child to school with the subconscious hope that someone will recognize the problem
- Parent responds inappropriately to the seriousness of the problem
- Parent hostile or antagonistic when talking about the problem

### Sexual Abuse and Exploitation—California Penal Code Section 11165.1

Sexual abuse is defined as sexual assault or sexual exploitation of a minor, it includes but limited to the following:

- Rape
- Statutory Rape
- Gang Rape (Rape in Concert)
- Incest
- Sodomy
- Oral Copulation
- Lewd and Lascivious Acts

- Child Molestation
- Penetration of the genital or anal opening, no matter how slight, by any object or body part whether or not there is the emission of semen. This does not include acts performed for a valid medical reason.
- Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- Touching of genitals or intimate body parts or the clothing covering them for the purpose of sexual arousal or gratification. This does not include acts which are normal caretaker responsibilities or for a valid medical purpose.
- Masturbation in the presence of a child.
- Preparing, selling or distributing child pornography.
- Child prostitution or a live performance involving obscene sexual conduct with a child.

### **Sexual Abuse and Exploitation—Federal Guidelines**

- 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.
- The rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

### **General Indicators of Sexual Abuse**

- Child reports abuse - this is a big, bold, scary step for the child to take in breaking out of the “conspiracy of silence” and should be taken very seriously.
- Sexualized behavior, curiosity, or knowledge inappropriate for age
- Torn, stained or bloody undergarments
- Sexually transmitted diseases
- Pregnancy
- Genital discharge or infection
- Trauma or injury to genital or anal area
- Difficulty in walking, sitting urination or defecation due to genital or anal pain
- Excessive/compulsive masturbation
- In boys, excessive concern about homosexuality or homophobia
- Sexual victimization of other children
- Self-destructive behavior or suicide threats
- Withdrawal or depression
- Sudden acquisition of money, clothes or gifts
- Animal abuse
- Fire setting

### **Indicators in Younger Children**

- Bed and pants wetting or fecal soiling
- Eating disturbances
- Unusual fears or phobias
- Overly compulsive behavior
- Change in school performance
- Pseudo-maturity or regressive behavior
- Inability to concentrate
- Sleep disturbances
- Frightened of caretaker or of going home

### **Indicators in Older Children and Teens**

- Chronic fatigue, depression or apathy
- Excessive bathing
- Purposefully making themselves unattractive through poor hygiene
- Poor peer relations and social skills
- Overly compliant, aggressive, antisocial or delinquent behavior
- Running away
- Alcohol or drug use
- Prostitution or promiscuity
- Inappropriately seductive behavior
- Unusual fear of pelvic exams
- Drop in school performance
- Chronic absence or tardiness
- Arrives early at school and stays late to avoid being home
- Refusal to dress for P.E.
- Non-participation in activities
- Fearful of showers or restrooms
- Fearful of home life
- Fearful of males
- Overly self-consciousness of body
- Crying without provocation
- Fire setting
- Eating disorders
- Early marriage to avoid abusive situation

### **Behaviors that MAY be seen in a Sexually Abusive Person**

- Drug or alcohol abuse or other addictive behavior
- Mood changes
- Last to go to bed, or up during the night
- Sexual preoccupation
- Views child pornography
- Cruising
- Exhibitionism
- Seeks out relationships with children over adults
- Erratic discipline
- Prolonging physical contact with children...wrestling, tickling, bathing
- Walks in on child while bathing or using the toilet
- Interferes with child's normal friendships
- Relates to the child with sexual undertones or manner

**Why does the non-abusing parent often look the other way?**

- They maybe in denial that their partner is capable of doing such a thing
- They may have been sexually abused as a child
- They may fear the loss of their partner or financial stability
- They may fear reprisal from partner for confronting the situation

Physical Neglect—California Penal Code Section 11165.2

Physical neglect is defined as negligent treatment or the maltreatment of child by a person responsible for the child's welfare, including both acts and/or omission of care.

**General Neglect**

General neglect is the unwillingness of the parent or caretaker to provide for adequate basic needs, where there is no physical injury or injury is not likely to occur for example:

The failure to provide adequate:

- Food
- Clothing
- Supervision
- Medical, dental or psychiatric care

**Severe Neglect**

Severe neglect is the unwillingness of the parent or caretaker to provide for adequate basic needs, where there is physical injury or injury is likely to occur, such as:

- Malnutrition
- Non-organic failure to thrive
- Chronic neglect
- Abandonment
- Willful endangerment
- Refusal to seek medical care for serious conditions

### **Physical Neglect—Federal Guidelines**

- Neglect can be physical, educational, or emotional.
- Physical - refusal of or delay in seeking health care
- Educational - chronic truancy, failure to enroll in school, failure to attend to special educational needs.
- Emotional - inattention to the child's need for affection, refusal of or failure to provide needed psychological care, spousal abuse in the presence of the child, permission to use drugs or alcohol by the child
- Assessment of child neglect needs consideration for cultural values and standards of care as well as failure to provide may be related to poverty.

### **Examples of Physical Neglect**

- Children not being fed:
  - *No food available*
  - *Food intentionally withheld*
    - *Children complain of hunger*
    - *Children beg or steal food*
- Lack of adequate shelter:
  - *Hazardous conditions (exposed wiring, broken glass)*
  - *Unsanitary conditions (garbage, spoiled food, excrement)*
  - *Lack of plumbing or other utilities*
  - *Homelessness where there are significant risk factors that place the child in imminent danger*
- Lack of Supervision
  - *Children left in the care of children who are unable to care for them*
  - *Abandonment*
  - *Any child left without supervision who is at risk due to age, environmental risks or personal limitation, especially those under age 8*
  - *Truancy issues should be referred to the school district*
- Lack of Adequate Clothing/Personal Hygiene

- *Clothing inadequate or inappropriate for weather*
  - *Persistent skin disorders or severe diaper rash due to improper hygiene*
- Lack of Medical or Dental Care
  - *Untreated injuries*
  - *Failure to comply with medical treatment, posing a risk to the child's health*
  - *Chronic lice with scabbing or secondary infection*
  - *Failure to thrive*
  - *Lack of attention to serious dental problems*
- Failure to Protect
  - *Failure of parent or caretaker to protect child from known situations of child abuse in any of its forms*
- Behavioral Indicators of Physical Neglect
  - *Listlessness*
  - *Hunger*
  - *Hoards food*
  - *Depression*
  - *Apathy*
  - *Anti-social*
  - *Infantile behavior*
  - *Anger*
  - *Fatigue*
  - *Delayed developmentally*
  - *Poor growth pattern or obesity*
  - *Extremes in behavior*

Emotional Abuse—California Penal Code Section 11166[b]

Emotional abuse is defined as when a person causes or permits a child to suffer unjustifiable or significant mental suffering.

**Emotional Abuse—Federal Guidelines**

- Acts or omissions by parents or caretakers that have caused, or could cause, serious behavioral, cognitive, emotional or mental disorders.
- Some acts, do not leave evident harm to the child but warrant reporting, such as extreme or bizarre forms of punishment, such as locking a child in a closet.
- Emotional abuse is almost always present when other forms of abuse are identified

**Emotional Abuse**

- Belittling
- Blaming
- Sarcasm
- Rejection
- Corruption
- Screaming
- Humiliation
- Threatening
- Name calling
- Unpredictable responses
- Child exposed to domestic violence
- Isolation of the child from social contacts
- Deliberate withholding of love and affection
- Child placed in restraints, caged or severe confinement

### **Indicators of Emotional Abuse in the Child**

- Withdrawn, seeks isolation or is unresponsive
- Overly rigid or passive
- Repetitive, rhythmic movements
- Sleep, eating or speech disorders
- Learning problems
- Destructive to self or others
- Poor self-image and esteem - may unwittingly say "I'm bad...my daddy tells me so."
- Hungers for attention and affection
- Failure to Thrive Syndrome

### **Indicators of Emotional Abuse in the Parent**

- Has unrealistic expectations of the child - developmentally, educationally or emotionally
- Enforces unusual penalties or vaguely sinister punishment - it is one thing to place a child in time-out in their room for five minutes, and another to place a child in time-out in a locked closet for five minutes
- Uses child to satisfy their own ego needs
- Describes the child as bad, different, worthless or evil
- Refers to the child as "It"
- Uses child as a battleground for problems

## **Cultural Customs**

There are some cultural customs used as home remedies to cure or relieve the symptoms of some ailments such as:

- Backache
- Itchy skin
- Flu Symptoms

These practices are primarily seen in Southeast Asian cultures, but some are also used by Russian immigrants and Mexican-American families.

These practices are usually performed by a trained practitioner. From culture to culture, these remedies have different names and the process differs slightly.

These are some of the healing practices used which leave marks on the body and may be confused with child abuse.

- Coining
- Cupping
- Pinching
- Suctioning

## **Coining**

- Coining is one of the most commonly practiced remedy methods.
- The chest, back, shoulders and neck are massaged with a medicated ointment such as Ben-Gay.
- The skin is then "rubbed" in a downward, linear fashion with the edge of a copper coin, or silver spoon until dark lines appear.
- This treatment leaves marks for several days which gives the appearance of having been struck with a stick or whip.
- The lines, or what appears to be bruising, is due to blood coming to the surface of the skin, from the heat and pressure of the coin being rubbed on the body.

## **Cupping**

- Cupping is performed on the chest, back, abdomen, and/or back of legs for pain, and the forehead and temples for headaches.
- The inside of a glass container or cup, about the size of a baby food jar, is lightly coated with rubbing alcohol.
- The glass is held upside down, and a lit match, candle or lighter is held under it in order to burn off the oxygen. This creates a vacuum.

- The cup is quickly placed on the skin and the vacuum effect draws the skin up.
- Blood is drawn to the surface of the skin and a round mark is left which might look like a bruise.
- These marks may remain on the body for several days.

### **Two Cultural Practices Which Should be Reported**

- Stick Burns and Moxibustion
- Hair Pulling

#### **Stick Burns and Moxibustion**

These remedies and other similar remedies are used in certain cultures to relieve a variety of symptoms such, as fever and abdominal pain.

These are related to acupuncture; however, they cause a circular, cigarette-tip size burn.

- A stick, similar to an incense stick is lit, and placed on the palms of the hands, soles of the feet and genital area. In some cultures, a hollow bamboo stick stuffed with cotton is lit and then extinguished.  
Moxa herbs or yarn are rolled into a pea-sized ball and placed on the skin. The ball is then lit and allowed to burn to the point of pain.
- It should be reported so that the caretaker may be educated on what are acceptable practices and alternative treatments.

#### **Hair Pulling**

- This home remedy is to relieve headache pain. The hair is pulled, and if too much force is used, the hair may be pulled out of the scalp

### Special Considerations for Educators in California

#### **Considerations**

- Failure to report may result in loss of license, credential or suspension.
- School records can be released without parental consent, but only when doing so protects a child in an emergency situation.
- The victim can be interviewed on school grounds:
  - *In private*
  - *With a member of school personnel present as support*
  - *The staff member cannot participate in the interview or discuss the facts*
  - *Staff member may decline being present in interview*
- Victim can be placed in the custody of law enforcement without parental knowledge.

- When a child is released to law enforcement, it is law enforcement's responsibility to inform the parent or caretaker.

### **Internal Procedures**

- Reporting is a personal and individual responsibility for Mandated Reporters and may not be delegated.
- However, internal procedures on who makes the report can be established to facilitate reporting and apprising supervisors of the report, as long as the procedure is consistent with, and adheres to the mandates of the law.
- Internal procedures may be helpful in facilitating reporting when more than one Mandated Reporter observes the same child. For example, three emergency room nurses may tend to the same injured child, or after consultation, a teacher and a resource specialist decide that a report should be made.
- The internal procedure may:
  - *Stipulate that the person with the most firsthand knowledge make the report, and/or*
  - *The report is made jointly with all parties signing the report, and/or,*
  - *If more appropriate, each party makes an individual report.*
  - *If the designated person fails to make a report, the other Mandated Reporter(s) must follow-up and report.*

### **If a Child Comes to You**

- Your job as a Mandated Reporter is to report what the child tells you, not to investigate the situation.
- Attempts to investigate may:
  - *Tip off the perpetrator and cause them to flee or destroy evidence.*
  - *Cause a child to retract if they think you don't believe them.*
- Reassure the child that they did the right thing by telling you and they are not to blame
- Don't promise them that you won't "tell"
- Tell the child that what you plan to do to help protect them
- Talk with the child if they need to vent - be ready to listen and be supportive
- Be respectful of the child's need for, or dislike of touching while trying to comfort them...do so with caution and only with the child's permission
- Consider helping the child get professional counseling
- Mandated Reporters are not required by law to tell the parent that a report has been made. However, one should keep in mind that parents are not always the perpetrators and may not be aware that their child exhibits signs of abuse.
- Find a place to help with your feelings too.

## About Child Abuse Mandated Reporting Laws

### The Child Abuse Prevention and Treatment Act (CAPTA)—Federal Guidelines

- Under the Federal Child Abuse Prevention and Treatment Act (CAPTA) passed in 1974, all 50 states have passed laws mandating the reporting of child abuse and neglect.
- CAPTA provides a foundation for the States by identifying a minimum set of acts or behaviors that characterize physical abuse, neglect and sexual abuse.
- These laws vary from state to state.
- Each state is responsible for:
  - *providing its own definition of child abuse and neglect.*
  - *describing the circumstances and conditions that obligate mandated reporters to report known or suspected child abuse.*
  - *providing definitions for juvenile/family courts when to take custody of the child.*
  - *specifying the forms of maltreatment that are criminally punishable.*
- Mandated Reporting Laws change from time to time. You should consult your local Child Protective Services for the most current statute, if you have any questions or concerns about your responsibilities.
- See below for links to resources for information.
  - *Child Protective Service Agencies in California*
  - *Child Abuse Prevention Councils in California*
  - *National Child Abuse Reporting Hotlines*
  - *California Penal Code at sections 11164 - 11174.3, can be accessed via the internet site titled California Law at: <http://www.leginfo.ca.gov/calaw.html>*
  - *Each state's statute can be accessed via the internet at: <http://www.calib.com/nccanch/services/statutes.htm>*

## California Child Abuse and Neglect Reporting Act

The most current Child Abuse and Neglect Reporting Act, which is contained within the California Penal Code at sections 11164 - 11174.3, can be accessed via the internet site titled California Law at: <http://www.leginfo.ca.gov/calaw.html>

## The Intent of California Law

- To protect the child and any other children in the home.
- To provide help and resources for the parent or caretaker.
- Be a catalyst for change in the home environment and prevent the risk of further abuse.

## Who Can Make a Report?

- Any citizen can make a report of suspected or known child abuse to a child protective services agency.
- However, Mandated Reporters are required by law to make a report.

### **What is a Mandated Reporter in California?**

- In the scope of their employment, a Mandated Reporter has a special relationship or contact with children or the home. (The California Penal Code defines a "child" as a person under the age of 18 years.)
- A Mandated Reporter Is legally required to report if they know of or have "Reasonable Suspicion" of child abuse and neglect, encountered in the scope of their employment.
- Employers of Mandated Reporters are required to inform them of their responsibilities.
- Prior to commencing employment and as a prerequisite of that employment, Mandated Reporters must sign a statement to the effect that he or she has knowledge of the provisions of the Mandated Reporter Law, and will comply with those provisions.

### **Legal Obligations of a Mandated Reporter in California if Child Abuse is Known or Suspected**

- The Mandated Reporter must call a "Child Protective Agency" as soon as possible to make verbal report of "Reasonable Suspicion."
- Then, the Mandated Reporter must file a written report on Department of Justice Suspected Child Abuse Report Form SS 8572 within 36 hours of their verbal report.
- Mandated Reporters are required to give their name.

### **What is "Reasonable Suspicion" as defined by the California Penal Code?**

- "Reasonable Suspicion" occurs when "it is objectively reasonable for a person to entertain such a suspicion, when based upon the facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse." (California Penal Code 11166[a])

### **Child Abuse Report Form—Department of Justice Form SS8572**

- Mandated Reporters and/or their employers should keep blank copies of the form on file at all times.
- If a blank form is not available when a report is made, the Mandated Reporter can request that the agency to whom the report is being made, send a blank form to them immediately.
- Copies of the form are available from your local Child Protective Services Agency or by writing to:

**California Department of Justice  
Bureau of Criminal Identification and Information**

## **Record Keeping**

- Good record keeping or documentation is important and helpful in recognizing child abuse...Why?
  - *Helps refresh memories*
  - *Bolsters testimony of witnesses*
  - *The child's history stays behind if you change jobs*
  - *Helps build a "case" for reporting and CPS's response*
  - *Documentation of reasons when the decision is made to not make a report*

## **Who are Mandated Reporters in California?**

- Child Care Custodians
- In Public and Private Schools
  - Teachers
  - Instructional Aides
  - Teacher's Aides
  - Teacher's Assistants
  - Classified Employees
  - School Bus Drivers
  - Administrative Officers
  - Supervisors of Child Welfare and Attendance
  - Certificated Pupil Personnel Employees
  - School District Police or Security
  - Administrators, Presenters or Counselors of Child Abuse Prevention Programs
- Social Workers
- Drug and Alcohol Counselors
- Law Enforcement
- Fire Fighters
- Probation Officers
- Parole Officers
- District Attorney investigators, inspectors and family support officers
- Public or Private Day Camp, Youth Center, Recreation Program or Organization Administrators
- Administrators and employees of child day care facilities
- Headstart Teachers
- Licensing Workers
- Public Assistance Workers
- Foster Parents
- Employees of Child Care Institutions:

- Group Homes
  - Residential Care Facilities
- Health Practitioners
  - Physician
  - Surgeons
  - Psychiatrist
  - Psychologist
  - Psychological Assistants
  - Mental Health and Counseling Professionals
  - Dentist
  - Dental Hygienist
  - Registered Dental Assistants
  - Residents
  - Interns
  - Podiatrist
  - Chiropractors
  - Licensed Nurses
  - Optometrist
  - Marriage, Family and Child Counselors, Interns and Trainees
  - State and County Public Health Employees
  - Clinical Social Workers
  - EMT's and Paramedics
  - Coroners and Medical Examiners
- Clergy
  - Priest
  - Minister
  - Rabbi
  - Religious Practitioner
  - Or similar functionary of a church, temple or recognized religious denomination or organization.
- Other
  - Animal Control Officers
  - Film and Photographic Print Processors

### **Reporting and the Clergy**

- The Mandated Reporter Law exempts clergy members from reporting known or suspected child abuse when the knowledge is acquired during "penitential communication."
- "Penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization is authorized or accustomed to hear those communications, and under the discipline,

tenet, customs, or practices of his or her church, denomination, or organization, has duty to keep those communications secret."

- In other words, clergy members have many roles in the administration of their parish, I.e., bible study leader, committee work, etc. During those times, clergy are not exempt from the reporting mandate.

### **Sources of Reports**

- Since 1990, statistics shown that 52% of the child abuse reports each year are made by Mandated Reporters.
- Mandated Reporters have the best opportunity to identify a child abuse problem before it becomes a statistic.
- A Mandated Reporter may be the only responsible adult in a particular child's life.

### **Immunities—California Penal Code Section 11172[a]**

- Mandated Reporters have immunity from civil and criminal liability (unless the report was made maliciously, while knowing it was false).
- Immunity, however, does not eliminate the possibility that actions may be taken against the Mandated Reporter. Therefore, the state will reimburse up to \$50,000 in legal fees in case of a suit.

### **Penalties—California Penal Code Section 11172[e]**

- A Mandated Reporter who fails to make a report of known or suspected child abuse:
  - Is guilty of a misdemeanor crime, which is punishable by up to:
    - six months in the county jail
    - and/or up to \$1000 in fines
  - May lose their license or credential

### **Safeguards for Mandated Reporters in California**

- Mandated Reporters cannot be prevented from reporting nor lose their job for making a report
- Identity is kept confidential (see more below on confidentiality issues)
- Employers are required to inform Mandated Reporters of their responsibilities
- May photograph or X-ray child without parent's consent
- Physician- and therapist-patient privilege does not apply
- Is not required by law to inform parents of report

### **Confidentiality—California Penal Code Section 11167**

- A Mandated Reporter's name is to be held confidential at all times and can only be shared:
  - Between Child Protective Agencies

- Child Protective Agency's Council
- The Child's Council
- District Attorney in cases of:
  - Criminal Prosecution
  - Parental Rights Termination
- Licensing Agencies in Abuse Cases in Out-of-Home Care
- By Court Order
- If the Mandated Reporter Waives Confidentiality
- Never to Mandated Reporter's employer except by consent or Court Order

**Violations of Confidentiality—California Penal Code Section 11167.5**

- Any violation of the confidentiality provided in California Penal Code Section 11167 is a misdemeanor, punishable by imprisonment in a county jail not to exceed six month, by a fine of \$500 or both.

## Profiles of Homes With Child Abuse

There is no one single cause of child abuse, but there are certain common factors often present among the families where abuse occurs. This section discusses some of the common features of the homes, children and perpetrators of child abuse. This does not mean these factors are always present, or that if they are present, they will always lead to abuse.

### **Profile of Homes Where Children Were Killed**

- Perpetrators most often male
- AFDC main source of support
- Caretakers not married to each other
- Drug or alcohol use
- Criminal history that includes a violent crime
- Victim was youngest sibling
- Domestic violence in house
- Previous abuse of the child

### **Deaths Caused by Child Abuse**

- Head trauma is the leading cause of death in child abuse, followed by internal organ injuries.
- In most cases of internal organ injuries, there are not external signs of trauma. This is due to the pliability of the abdominal wall and its ability to absorb trauma without showing bruises.

### **"Triggers"**

- Child Death Review Teams in Colorado and Oregon have identified some "triggers" that occurred just before many children's death from abuse
  - *infant's inconsolable crying*
  - *feeding difficulties*
  - *failed potty training*
  - *parents have exaggerated view of "disobedience"*

### **Common Features in Homes with Abuse**

- Abuse is a form of power:
  - *the more powerful abuses the less powerful*
  - *compensates for the feeling of parental impotence*
  - *perceived way of regaining control*
  - *brainwashing is used to control or manipulate the victim and to skew their view of reality*

## **Who is a Child Abuser?**

- Has been abused as a child - a life pattern of aggression and violence has been established.
- Can be found in all cultural, ethnic occupational, religious and socio-economic groups and sexes
- Has expectations too high for the child's age
- May be angry with the child
- Does not know the best way to discipline the child
- Uses abuse as a form of power
- Not satisfied with child's schoolwork
- Has problems with employer or mate
- Has financial troubles
- Has a history of violence
- May be immature
- Has a cynical and distrustful personality
- May be impulsive
- May be isolated
- Unhappy with themselves
- Has drug or alcohol addiction
- Feels justified in their action or feels it was appropriate
- May be depressed or have mental health problems
- Possesses few coping skills
- Wants personal satisfaction over seeing to child's needs
- May be a pedophile
- Lives near or below poverty level

## **High Risk Children and Homes**

- Children born to adolescent mothers
- Unplanned or unwanted pregnancy
- Physically or mentally disabled children
- Children in a chaotic or crowded household
- Large families with children close in age
- Children born prematurely

## **Being a Battered Child Means...**

- Hoping that maybe they'll be in a good mood, but knowing you couldn't trust them even if they were.
- Hoping that you can "just once get through breakfast and off to school" without any altercations.
- Hoping no one will notice the stitches and black eye you have tried to hide with your hair.
- Wanting to be "as good a bike rider as the rest of the kids," but still rehearsing the "self-conscious" laugh you will present with the explanation that you hurt your arm by falling

off your bike.

- Hoping that someone will care enough to believe the incessant explanations you offer to account for your injuries.
- Feeling that everything will be all right, "if only..."
- Teachers like you because you are so well-behaved.
- The kids don't like you because the teacher does, and you don't know how to play anyway.
- Never knowing the consequence of a gesture, facial expression or request. Sometimes a gift of flowers is received affectionately, and sometimes it's dashed down with a shove and a tirade of abuse. Sometimes the request for a piece of gum is a "good idea" and sometimes it's proof of your horrid greediness and incorrigible lack of concern. Sometimes you are berated and punished for being selfish and ungrateful. But you just never know...
- Always worrying that when you are away from home something might be happening to your brother or sister.
- Trying to find a safe explanation for why you never bring your friends home.
- Trying to figure out what you did to "deserve" to be born into the family situation you were born into, and trying desperately to be a good person who doesn't deserve the abuse you keep getting.
- Being careful not to cry, or laugh too loudly.
- Feeling guilty that you are such a burden to your parents and sorry you were ever born, and "knowing" they feel the same way too.
- Hoping maybe they adopted you, and you could find your "real" parents and convince them you'd be good if only they'd take you back, but worrying about who would take care of your current parents if you were rescued.
- Lying awake at night listening to a brother or sister crying, and feeling sad, but wishing they would cry a little more softly so they won't "get it" again, and feeling guilty that they "got it" and not you.
- Somehow feeling your parents could love you if only you were sorry enough.
- Living in constant fear that you, or one of your brothers or sisters will be killed.
- Hoping the doctor won't believe your parents' explanation about how you got hurt, but knowing she/he probably will.
- Feeling betrayed by the non-abusing parent's failure to protect you, but trying to let them know it's all right, you understand, you know they can't help it.
- Wishing the problem was alcoholism or a chemical imbalance, so that the problem could be "cured."
- Developing your sensitivity so as to intuit threatening mood changes, but more often feeling that the heightened sensitivity is more painful than helpful.
- Wishing they could just touch you or hold you without hurting you, but sensing that they really need to be held too.
- At times hating them savagely, but soon reduced to tears because you know 'they didn't mean to,' or 'they're just having a bad day,' or "you should have been more careful," or...
- Wishing there was someone gentle who cared, that you could talk to, but knowing that if the subject ever came up, you would defend them loyally, because they're your parents

and you love them, and you need to believe that they love you too...

### How to Make a Report of Child Abuse in California

#### **Child Abuse and Neglect Reporting Hotlines**

In Sacramento County:  
Sacramento County Child Protective Services  
916-875-KIDS

Child is in Imminent Danger (Life Threatening Emergency) Dial **911**

In California:  
[Child Protective Service Agencies in California](#)

In the United States:  
[National Child Abuse Reporting Hotlines](#)

#### **How to Make a Report of Child Abuse in California**

- Immediately, or as soon as possible, call a Child Protective Services agency (Child Welfare/Child Protective Services if the abuse is occurring within the family or home or Law Enforcement if the suspected abuser is someone outside the family) to make a verbal report. **If the child is in imminent danger, call 911.**
- Inform the agency that you are a Mandated Reporter.
- File a written report within 36 hours of your verbal report ([on Form SS 8572.](#))

#### **Child Abuse Report Form—Department of Justice Form SS8572**

- Mandated Reporters and/or their employers should keep blank copies of the form on file at all times.
- If a blank form is not available when a report is made, the Mandated Reporter can request that the agency to whom the report is being made, send a blank form to them immediately.
- Copies of the form are available online at [http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf) or from your local Child Protective Services Agency or by writing to:

California Department of Justice  
Bureau of Criminal Identification and Information  
P.O.Box 90317  
Sacramento, CA 94203-4170

## **How to Complete the Child Abuse Report Form**

Filling out the form is very easy. Basic information such as your name and address are required. However, there are some other things you should include in your report, if possible, that aren't specifically asked for on the form.

### **Be Prepared With...**

- Your name and your employer's name, their business address and phone number
- Name, date of birth or approximate age, sex and present location of the child
- School or daycare information including dismissal times
- Specific details on the nature and extent of the abuse, be as descriptive as possible - i.e., location of injury, size, color, pattern, shape, etc.
- Where and when the incident(s) occurred
- Risk of further abuse, or imminent danger
- Who the child lives with
- Name and address of the parent or caretaker
- Name, date of birth or approximate age, address and phone number, and relationship to the child victim of the person you suspect is abusing/neglecting the child. Also include, if possible, the present location of this person and whether or not they currently have access to the child.
- Names, ages and schools of other children the house, not just the siblings
- Family language and ethnicity
- Knowledge of previous CPS history or if other agencies are involved with the family
- Any known previous counties of residence - CPS will call them
- Make a note if photographs or x-rays were taken
- Try to quote exactly what was said by the child or the person accompanying the child - use quotation marks and state who was speaking
- Vulnerability of the child due to age or disability
- If there is an unrelated adult male in the home
- If there are children under the age of five in the home
- If drug use is suspected
- If the child, parent/caretaker or others in the home, or suspect has a psychiatric history
- If there is a history of violence (domestic, child or animal abuse, or other violent crime)
- Services organizations the family has or is involved with
- Any services the family may benefit from
- What are the family strengths
- Any other information requested.

## Helpful Hints in Completing the Report Form

- The form is a one page document with instructions for completing the form either on the reverse or on a separate page. Type the report, or write legibly, using blue or black ink.
- If additional space is needed, you may continue your report on a blank sheet of paper and attach it. DO NOT continue your report on another blank form, as only one form should be used per victim. Be sure to make a note on the form itself that there is a "Page 2."
- The agency that receives your report will distribute copies of the report to the appropriate agencies. You may wish to make a copy of your report and any attachments for your agency's records.
- It is helpful to fill out the form before you make your call to CPS so you don't forget anything.
- Ask the intake worker to whom you are making the verbal report for their name and title and the case number assigned to the report for follow-up purposes. Note it on the form. Also be sure to record the date and time of your verbal report.
- If you are using one of the original quadruplicate report forms, the last page (yellow) of the form is the reporter's copy. The last page of NCR forms are sometimes difficult to read if there was not enough pressure used to complete it. It is suggested that a copy of the first page is made, along with any other documentation, and retained with the yellow copy.
- Be certain to get the mailing address of the agency to whom you made your verbal report (either CPS or Law Enforcement) and mail your written report to that address-- Remember, your written report should go to the same agency to whom you made the verbal report (e.g., if you called Sacramento County Sheriff's Department to file the verbal report, send the written report to the Sheriff's Department, not CPS).

## Internal Procedures

- Reporting is the legal obligation of each individual Mandated Reporter and may not be delegated.
- However, internal procedures on who makes the report can be established to facilitate reporting and apprising supervisors of the report, as long as the procedure is consistent with, and adheres to the mandates of the law.
- Internal procedures may be helpful in facilitating reporting when more than one Mandated Reporter observes the same child.
  - For example, three emergency room nurses may tend to the same injured child, or after consultation, a teacher and a resource specialist decide that a report should be made.
- The internal procedure may:
  - Stipulate that the person with the most first hand knowledge make the report, and/or
  - The report is made jointly with all parties signing the report, and/or,
  - If more appropriate, each party makes an individual report.
  - If the designated person fails to make a report, the other Mandated Reporter(s) must follow-up and report.

- The internal procedure MAY NOT:
  - Stipulate that an administrator or supervisor approve the report before the Mandated Reporter may submit it to CPS or Law Enforcement or
  - Sanction a Mandated Reporter in any way (up to and including termination of employment) for filing a Suspected Child Abuse and/or Neglect Report without the authorization of an administrator, supervisor, or employer.

Making a report is not snitching, blaming, accusing or judging. It is calling on the professionals who have the training, authority and responsibility to investigate.

Once you have made the telephone call and filed a written report, your legal obligations as a Mandated Reporter for reporting this incident of suspected abuse and/or neglect are complete. Note that reporting to a supervisor is NOT a substitute for filing the verbal and written report.

### **What Happens After a Report is Made**

Risk Assessment - CPS will conduct a risk assessment which may be based on the following:

- Frequency of maltreatment
- Vulnerability of the child due to age or disability
- When the event occurred
- Multiple CPS reports, in and out of county
- Unrelated adult males in the home
- Children under age five in the home
- Allegation of drug use
- Psychiatric history
- Criminal h
- History of violence in the home

### **Response Time—Sacramento County**

- If child is in imminent danger of serious abuse or re-abuse the report warrants an immediate response—within 24 hours (Note that Sacramento County CPS has a target time for their immediate responses of 2 hours).
- Reports that meet the criteria for an in-person contact with the child and their parent/caretaker but do not warrant an immediate response are responded to within 10 days.
- Other reports that do not meet the criteria for face-to-face contact (either immediate or 10 days) are entered as "Information Only/Evaluate Out" into the Child Abuse Central Index (CACI), a statewide child protection database, and can be used for sources of information for future concerns about that child/family.

### What May Happen After a Report is Made

#### **Possible CPS Interventions**

- When appropriate, CPS will refer the family to Family Maintenance or Informal Supervision
- If there is imminent risk of further maltreatment, the child may be removed from the home (case referred to juvenile court)
- Abuse may be arrested and referred to the District Attorney for prosecution (severe abuse)
- Refer the family to community-based services (Differential Response)

*Differential Response has three paths of services;*

1. *Path One = Criteria for opening a CPS case not met, but needs have been identified with the family. CPS will refer the family for services in the community, usually with a community-based home visitation program (e.g. Birth & Beyond)*
2. *Path Two = Some criteria for opening a CPS case are met but not enough to warrant opening the case. CPS will offer the family informal supervision services while also referring the family for community-based intervention as in Path One.*
3. *Path Three = Criteria are met sufficient to open a CPS case; this may include either Family Maintenance or Family Reunification services, depending on the situation.*

### **Removal of the Child from the Home**

- The court can remove the child from the home if it finds that:
  - There is substantial danger to the child
  - The child is unwilling to return home
  - A person residing there has sexually molested the child
  - The child is left without provision for his or her support
  - The parent or caretaker is unwilling to have physical custody of the child

### **Family Reunification—Sacramento County**

- In order for the parent or caretaker to have the child back, they must cooperate and participate in court ordered family reunification services and satisfy the requirements.
  - 12 months - children less than 3 years of age
  - 18 months - children over 3 years of age

### **Cross Reporting**

- Cross reports are made immediately or as soon as practically possible between:
  - Child Protective Services
  - Law Enforcement
  - District Attorney
  - Child Abuse Central Index (CACI)

- Bureau of Criminal Identification and Information
- State and County Licensing Agencies
- Whenever a person applies for a nursing, teaching, childcare, foster care or social worker license, the Child Abuse Central Index is checked.

## **Report Dispositions**

California Penal Code Section 11165.12

- After investigations by a child protective agency are complete, reports will be placed in one of three categories:
  - "Unfounded Report" - determined to be false, inherently improbable, involve accidental injury, or not constitute child abuse as defined in the law.
  - "Substantiated Report" - the report is based on credible evidence and constitutes child abuse or neglect.
  - "Inconclusive Report" - the findings are inconclusive and there is insufficient evidence to determine whether child abuse and neglect has occurred.
- You are entitled to know the disposition of your report. CPS will contact you in writing, or you may call to inquire about your report. Be aware that, depending on the status of the case and any pending investigations and/or court actions, it may be some time before a final disposition is available for your report, and the notice of disposition may be sent to your agency/employer rather than to your attention--ask your supervisor if any notification has been received.

### What You Can Do To Prevent Child Abuse

- Learn about child abuse and neglect.
- Be alert to the "Red Flags."
- Be prepared to make a report.
- Do something.
- Speak up.
- Support National Child Abuse Prevention Month in April.
- Advocate for services to help families.
- Ask your local television stations to have non-violent programs for children.
- Support your local Child Abuse Council.
- Support the victim.
- Find help for yourself if you are overwhelmed.
- Empower the community to respond.
- Take a child or family under your wing.
- Become a foster parent or grandparent.
- Encourage your church, social and community organizations to provide outreach to at-risk families.
- Lobby your community leaders to address the problem.
- Volunteer your time.
- Don't turn your back on a situation.
- Ask your school to provide prevention education to the children.

- Talk to your kids about personal safety and body limits.
- Be sensitive to the needs of troubled or isolated families.

### **If a Child Comes to You...**

- Your job is to simply report what the child tells you, not to investigate the situation.
- Attempts to investigate may:
  - Tip off the perpetrator and cause them to flee or destroy evidence.
  - Cause a child to retract if they think you don't believe them.
- Reassure the child that they did the right thing by telling you and they are not to blame
- Don't promise them that you won't "tell"
- Tell the child that what you plan to do to help protect them
- Talk with the child if they need to vent - be ready to listen and be supportive
- Be respectful of the child's need for, or dislike of touching while trying to comfort them...do so with caution and only with the child's permission
- Consider helping the child get professional counseling
- Mandated Reporters are not required by law to tell the parent/caretaker that a report has been made. However, one should keep in mind that parents/caretakers are not always the perpetrators and may not be aware that their child exhibits signs of abuse.
- Find a place to help with your feelings too.

### **Age Factors to Consider for Preschool Age Children**

- At higher risk for serious injury.
- Stories are generally truthful.
- Don't know abuse is serious...their value of right and wrong is based on family behavior.

### **Age Factors to Consider for School Age and Teen Children**

- More prone to self-report abuse.
- More aware of "normal" family behavior due to exposure to other families.
- Tend to be protective of substance abuse parents or caretakers - role reversal.
- Sexual abuse is often disclosed when family incest interferes with normal teenage relationships.
- Disclosure of abuse may have a "hidden agenda" such as revenge or anger towards parent or caretaker.

### It Only Takes A Minute

Just know that *It Only Takes A Minute*

- To be a voice for a child
- To protect their future
- To ask for help
- To tell a trusted adult

- To make the right choice
- To think before you act
- To look for warning signs
- To distract an angry parent
- To become involved
- To take a deep breath
- To count to ten
- To save a life
- To report Child Abuse and Neglect
- To make a difference in the life of a child