



Definition of Abuse and Neglect

According to the National Clearinghouse on Child Abuse and Neglect (2003), in 2000, three million referrals concerning the welfare of approximately five million children were made to CPS agencies throughout the United States. Of these, approximately two-thirds (62%) were screened in; one-third (38%) were screened out. Screened-in referrals alleging that a child was being abused or neglected received investigations or assessments to determine whether the allegations of maltreatment could be substantiated. Some of the screened-out reports were referred to the attention of other service agencies. Professionals, including teachers, law enforcement officers, social services workers, and physicians, made more than half (56%) of the screened-in reports. Others, including family members, neighbors, and other members of the community, made the remaining 44 percent of screened-in referrals.

Almost one-third of investigations or assessments (32%) resulted in a finding that the child was maltreated or at risk of maltreatment. The remaining investigations resulted in a finding that the maltreatment did not occur, the child was not at risk of maltreatment, or there was insufficient information to make a determination.

According to the American Academy of Pediatrics (2008) Most child abuse occurs within the family, often by parents or relatives who themselves were abused as children. Neglect and mistreatment of children is also more common in families living in poverty and among parents who are teenagers or are drug or alcohol abusers. Although there has been a recent increase in child abuse outside the home, it is still true that most often children are abused by a caregiver or someone they know, not a stranger.

Several terms are used in laws governing child abuse and neglect. They include:

An Abused Child is usually defined in the law as someone under the age of 18 whose parent, legal guardian or person legally responsible for the child's care, inflicts or allows to be inflicted upon the child:

- physical injury by other than accidental means
- a substantial risk of physical harm or injury that is created
- allowed to be created which could result in serious injury or death
- disfigurement
- prolonged impairment of emotional or physical health

or commits or allows to be committed:

- sex offenses against the child including incest, prostitution, or obscene sexual conduct

- allowing the child to engage in sexual performance

A Maltreated or Neglected Child is usually defined in the law as someone under the age of 18 whom:

- has had serious physical injury inflicted upon him/her
- has been impaired physically, mentally or emotionally or is in imminent danger of becoming impaired as a result of the failure of his/her parent or other person legally responsible for his/her care to exercise a minimum degree of care in supplying the child with:
 - o adequate food
 - o adequate clothing
 - o adequate shelter
 - o adequate and required educational opportunities and exposure
 - o adequate medical care when required
 - o adequate dental care when required
 - o adequate optometric care when required
 - o adequate surgical care when required

These conditions apply when the parents or guardians are financially able or are offered assistance to seek assistance from professionals.

Further indications of maltreatment or neglect are present when the parents or guardians:

1. Do not providing the child with proper supervision or guardianship
2. Unreasonably inflict or allow being inflicted harm, or a substantial risk, including the infliction of excessive corporal punishment
3. Misuse drugs or alcohol
4. Misuse alcoholic beverages to the extent that he/she loses self control of his/her actions
5. Have abandoned the child

You may want to keep in mind that the terms maltreated and neglected are often interchangeable although some interpretations of the laws list them separately.

C - Clinical and Behavioral Clues to Possible Abuse

Since special education teachers are mandated reporters you should be aware of clinical and behavioral clues to possible abuse.

Physical Abuse

Some Possible Behavioral Signs of Physical Abuse

1. Fear or resistance to going home
2. Past history of self injurious behavior
3. Extreme neurotic conditions i.e. obsessions, compulsions. phobias
4. Constantly wears clothing that is inappropriate for the season i.e. long pants, skirts, sleeves in

the summertime to possibly cover up bruises.

5. Extreme mood changes and periods of aggressive behavior
6. Child seems apprehensive or afraid of adults
7. Child flinches or reacts defensively to adult gestures or behavior which is not considered dangerous
8. Communicates that he/she is constantly falling or hitting into things as an excuse for their bruises

Some Possible Physical Signs of Physical Abuse

1. Unexplained marks, welts, bites or bruises on the body
2. Unexplained burns
3. Unexplained injuries to the head area
4. Unexplained burn marks

Sexual Abuse

Some Possible Behavioral Signs of Sexual Abuse

1. Acts in an infantile manner and exhibits frequent withdrawal and fantasy
2. Has difficulties maintaining peer relationships
3. Engages in sexual activities with other children
4. Exhibits frequent lateness's or absences from school
5. Exhibits resistance to physical examinations
6. Has a history of running away
7. May have a history of self injurious behavior
8. Expresses sophisticated, bizarre or unusual knowledge of sexual acts or behavior and expresses these to other children or adults

Some Possible Physical Signs of Sexual Abuse

1. Expresses the presence or exhibits bruises in genital areas
2. Has difficulty walking or sitting for long periods of time because of pain
3. Exhibits bruises to the mouth area
4. Exhibits extreme pain, itching or discomfort in the genital area
5. Has a history of urinary tract infections
6. Has developed sexually transmitted diseases especially in the pre adolescent period

Neglect or Maltreatment

Some Possible Behavioral Signs of Neglect

1. Frequently caught taking food from other children
2. Arrives at school much earlier than the other children
3. Seems to hesitate going home at the end of the day and is seen wandering the halls
4. Exhibits constant fatigue
5. Frequently falls asleep in class
6. Develops habit disorders i.e. tics and other signs of tension

7. Exhibits symptoms typical of conduct disorders i.e. antisocial behavior
8. Frequently uses drugs or alcohol
9. Develops clinging behavior patterns towards other adults

Emotional Maltreatment

Consider the possibility of emotional maltreatment when the child:

- Shows extremes in behavior, such as overly compliant or demanding behavior, extreme passivity, or aggression.
- Is either inappropriately adult (parenting other children, for example) or inappropriately infantile (frequently rocking or head-banging, for example).
- Is delayed in physical or emotional development.
- Has attempted suicide.
- Reports a lack of attachment to the parent.
- Consider the possibility of emotional maltreatment when the parent or other adult caregiver:
 - o Constantly blames, belittles, or berates the child.
 - o Is unconcerned about the child and refuses to consider offers of help for the child's problems.
 - o Overtly rejects the child.

Some Possible Physical Signs of Neglect

1. Seems to have medical or physical conditions that go untreated
2. Severe lags in physical development as a result of malnutrition
3. Expresses consistent hunger
4. Comes to school exhibiting poor hygiene
5. Comes to school inappropriately dressed for the particular weather conditions
6. Mentions that he/she is left home alone a great deal
7. Exhibits chronic absences from school
8. Has a history of late nesses to school

Try to keep in mind that you should use common sense and proper judgment prior to reporting suspected abuse. Such reports are a serious matter. On the other hand, never hesitate if you suspect abuse believing that "such a family could never do such things." Remember that as a mandated reporter you are really an advocate for children in cases of suspected abuse or neglect. Never assume that something is so obvious that someone must have called it in. It is always better to be safe than sorry.

Do You Have To Report?

Under the law, and depending on the state in which you reside, when the victim is a child (a person under the age of 18) and the perpetrator is any person (including a child), the following types of abuse must be reported by all legally mandated reporters:

- a. A physical injury inflicted by other than accidental means upon a child. Note that child abuse does not include a "mutual affray" between minors. It also does not include an injury caused by

“reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment.”

b. Sexual abuse of a child, including both sexual assault and sexual exploitation. “Sexual assault” includes sex acts with a child, lewd or lascivious acts with a child, and intentional masturbation in the presence of a child. “Sexual exploitation” includes preparing, selling, or distributing pornographic materials involving children; employing a minor to perform in pornography; and employing or coercing a child to engage in prostitution.

c. Willful harming or injuring of a child or the endangering of the person or health of a child, including inflicting or permitting unjustifiable physical pain or mental suffering.

Misconceptions of Reporting Child Abuse

When a child abuse tragedy is reported in the media, neighbors often say that they thought something was wrong, yet too often no reports of known or suspected abuse were made to the police or local child protective services agency.

According to Childhelp (2008), surveys have shown that, although the majority of Americans polled believe that everyone should play a role in stopping child abuse, many people also admit to witnessing child abuse and doing nothing about it.

The reasons for not reporting abuse include not knowing where to call and misconceptions regarding what will happen once a report of known or suspected abuse is made to the police or a child protective services agency.

Many people incorrectly believe that:

- By law, abused children must be removed from their homes immediately, which is the least likely outcome.
- Child abuse cannot be reported anonymously. In most states, you don’t need to provide your name.
- The person reported for abuse is entitled to know who made the report. They are not.

When Do You Have To Report?

Child abuse must be reported when a mandated reporter, “in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.”

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.” Although wordy, the intent of this definition is clear: if you suspect that abuse has occurred, make a report.

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You must make a report immediately (or as soon as practicably possible) by telephone and you must prepare and send, fax or electronically transmit a written report within 36 hours of receiving the information regarding the incident. Written reports must be submitted on state forms which can usually be downloaded from the state website. The mandated reporter may include with the report any non-privileged documentary evidence he or she possesses related to the incident.