



# What is Child Abuse and Neglect and Who Reports It

## What is Child Abuse and Neglect?

Any mistreatment or neglect of a child that results in non-accidental harm or injury. Child abuse can include: physical abuse, emotional abuse, sexual abuse and neglect.

California Penal Code (CPC) defines child abuse as a physical injury inflicted by other than accidental means upon a child. It also includes willful cruelty and unjustifiable punishment, unlawful corporal punishment, sexual abuse, neglect and emotional abuse. (CPC 11165.6)

## Who is a Mandated Reporter?

An administrator or employee of a public or private organization whose duties require "direct contact" and "supervision" of children." (CPC 11165.7 [a8])

## Legal Responsibilities of a Mandated Reporter

- Required to report "knowledge" or "reasonable suspicion" of child abuse and neglect obtained within his/her professional capacity or within his/her scope of employment.
- Must immediately, or as soon as practicably possible, call a "Child Protective Agency" to make a verbal report.
- Must file a written report on the Department of Justice Form SS 8572 within 36 hours of verbal report.
- Required to give his/her name, business address and business phone number.

## Reasonable Suspicion

"Reasonable Suspicion" occurs when "it is objectively reasonable for a person to entertain such a suspicion, 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." (Penal Code 1166(a1))

## Professionals Who are Mandated to Report - CPC

11157.7 [a]

- Public and Private School Teachers, Teacher Aides and Administrators
- Classified School Employees
- Childcare Providers
- Healthcare Providers
- Public Health Employees
- Paramedics and EMTs
- Dentists and Dental Hygienists
- Optometrists
- Mental Health and Counseling Professionals
- Coroners and Medical Examiners
- Clergy Members and any custodian of records for a clergy member
- Law Enforcement Officers
- Fire Fighters
- Animal Control and Humane Society Officers
- Probation and Parole Officers
- Public Assistance Workers
- Social Workers
- Child Protective Agency Employees
- Child Visitation Monitors
- Youth Camp and Recreation Program Employees
- Foster Parents
- Foster and Group Home Personnel
- Film and Video Processors
- CASA Workers
- Volunteers are not Mandated Reporters

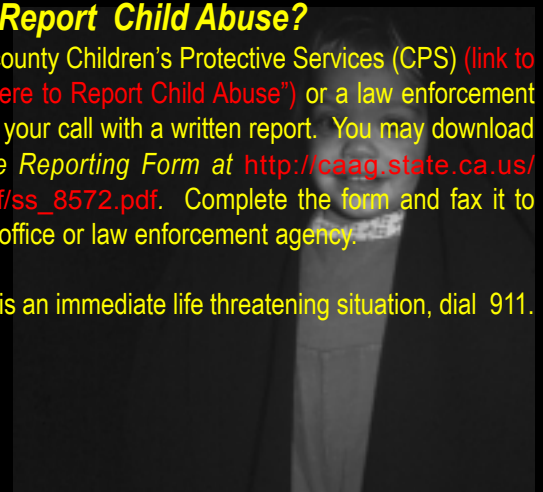
## If you are not a Mandated Reporter - What is your Responsibility?

As a member of the community, while you are not required to report by law, it is the duty of us all to watch out for, and care about, the well being of all children.

## Where Do I Report Child Abuse?

Call your local county Children's Protective Services (CPS) ([link to our pdf file "Where to Report Child Abuse"](#)) or a law enforcement agency. Follow your call with a written report. You may download a *Child Abuse Reporting Form* at [http://caag.state.ca.us/childabuse/pdf/ss\\_8572.pdf](http://caag.state.ca.us/childabuse/pdf/ss_8572.pdf). Complete the form and fax it to your local CPS office or law enforcement agency.

Remember, if it is an immediate life threatening situation, dial 911.



## **Penalties for Failure to Report if a Mandated Reporter**

- Being charged with a misdemeanor crime, punishable by up to 6 months in the county jail and/or a \$1000 fine
- Being liable for damages in a civil suit
- Losing license or credential

## **Protections When Reporting Under the Law as a Mandated Reporter.**

- Up to \$50,000 in legal fees reimbursable
- Not liable for photographing the victim and submitting a photo with the report
- Not legally required to inform the parents that a report has been filed
- The identity of a Mandated Reporter is confidential, barring a few exceptions
- Employers cannot impede or inhibit the Reporter from reporting or sanction the Reporter as a result of reporting
- Employers are required to inform and train employees of their duties to report

## **Descriptions of Child Abuse and Neglect**

**Physical Abuse** - Physical abuse is a physical injury inflicted on a child by other than accidental means. Indicators are the following:

- Child states injury was caused by abuse
- Physical abuse is the easiest to identify as the indication of abuse often remains on the body
- Injury or bruises in patterns that reflect the pattern of the object that was used to strike a child
- Any injury that is unusual for the child's age group
- Location of injury often on upper arms, face, front and back of thighs, genital area, ears and neck, stomach and buttock
- Frequency of and/or recurrent injuries to the same location
- Cluster of bruises
- Bruises or wounds in various stages of healing
- Bruises of any kind on an infant, especially on the face or buttocks
- Human bite marks
- Burns, including cigarette burns, rope burns and scalding burns. These are typically found on the genital area, ankles, wrists, palms and soles of feet.
- Lacerations and abrasions
- Head injuries
- Shaken Baby syndrome
- Two black eyes
- Absence of hair due to pulling

- Jaws and nasal injuries
- Skeleton injuries
- Injuries caused by pulling and twisting

**Sexual Abuse** - Sexual abuse is an act of sexual assault or sexual exploitation on a child. Indicators can be the following:

- Child reports sexual abuse
- Sexual behavior, curiosity or knowledge is inappropriate for the child's age
- Torn, stained or bloody undergarments
- Genital discharge or infection
- Physical trauma or injury to genital/anal area
- Difficulty walking or sitting due to genital/anal pain
- Excessive/compulsive masturbation
- Victimized other children
- Excessive self-consciousness of body
- Self-destructive behavior
- Withdrawal and depression
- Sudden acquisition of money, new clothes, or gifts.

**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, such as:

- Food
- Clothing
- Shelter
- Supervision
- Medical or dental care

**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
- Chronic neglect
- Abandonment
- Willful endangerment
- Refusal to seek medical care

## **Neglect -**

Neglect indicators can be very subtle and difficult to detect. The following can be used as indicators .

- Listlessness
- Hunger
- Apathetic
- Antisocial

- Angry
- Fatigued
- Lack of medical or dental care
- Poor hygiene
- Not dressed appropriately for weather conditions

- Poor or no supervision
- Child cared for by another child
- Abandonment
- Lack of follow-through in obtaining medical or dental care for identified problems
- Untreated injuries
- Poor growth pattern
- Extremely or persistently unsafe-unsanitary living conditions
- Delayed developmentally
- Extremes in behavior
- Infantile behavior
- Chronic absence/tardiness at school.

### **Risk Factors in a Parent/Caretaker:**

- Has unrealistic expectations of the child
- Belittles, rejects, degrades, ignores the child
- Constantly threatens the child
- Describes the child as bad, different or evil
- Suffers themselves from low self-esteem.

***Making a report to Children’s Protective Services (CPS) or law enforcement is not a guarantee that investigation will take place. However, the more reports that are made regarding a child, the more likely there will be an effective response. You are doing the right thing by reporting it.***

### **Emotional Maltreatment, Abuse and Deprivation -**

Emotional maltreatment is when a person causes or permits a child to suffer unjustifiable or significant mental suffering. “Mental suffering” in and of itself if not required to be reported; however it may be reported, and is often reported with other forms of abuse. Emotional abuse is difficult to prove so accumulative documentation is critical. Emotional abuse could be the result of:

- Belittling
- Blaming
- Threatening
- Name calling
- Humiliation
- Sarcasm
- Screaming
- Unpredictable responses
- Family discord
- Deliberate withholding of love and affection by the parent or caretaker

### **Indicators of Emotional Abuse -**

- Withdrawn, or acts out
- Overly rigid or passive
- Repetitive, rhythmic movements...rocking
- Habit disorders
- Learning problems
- Destructive to self or others
- Poor self-image and self esteem
- Isolation

“I would rather apologize to a parent because I made a mistake about reporting suspected abuse, than apologize to a brain-damaged child because I did not report”

**Dr. C. Henry Kempe  
Pioneer in the Field of  
Child Abuse**

