

REPORTING CHILD ABUSE

**The Following Information
Is NOT to replace or substitute for Legal Advice.
This product was created by a task force which
included law enforcement, child protective services,
prosecutors, medical personnel, educators and
school administrators under the facilitation of
CARE House of Oakland County Michigan
for the purpose of assisting educators
in reporting suspicions of child abuse or neglect.**



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What Do I Report (suspicions & definitions)

What is Reasonable Suspicion?

- Reasonable Suspicion is a subjective test, not a “check list”
- If you have questions and suspicions, those are reasonable suspicion
- Other possibilities or explanations do not negate your suspicions
- Trust your judgment and always err on the side of reporting your concerns

Indicators and Identification of Physical and Sexual Abuse and Neglect may Include but are Not Limited To the following:

- Noticeable change in behavior or academic performance
- Changes in attendance patterns
- Physical marks/injuries that are unexplainable or explanations don't make sense
- Developmentally inappropriate behaviors or verbalizations
 - Either immature or premature
 - Including sexual activity with self or others
- Extreme / unusual or inappropriate behaviors
 - Including but not limited to withdrawn, bullying, self harm, no eye contact
- Avoidance behaviors and seclusion (both children and parents)
- Excessive use of bathroom
- Unresolved or chronic medical problems (urinary tract infections, etc)
- Inappropriate hygiene, clothing, medical attention or care, nutritional care (hungry)
- Frequent changes in or questionable caregivers, inappropriate supervision
- Failure to protect a child from any type of harm or injury
- Child's self report or other children's reports or notes passed by children
- School truancy, excessive and/or unexplained absences*

Definitions of Abuse

“Harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation or maltreatment.”

Child Protection Law Act MCL 722.622 (2)

Definition of Neglect

“Harm or threatened harm to a child's health or welfare by a parent, legal guardian or any other person responsible for the child's health or welfare that occurs through either of the following:

Negligent treatment, including failure to provide adequate food, clothing, shelter or medical care.

Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has or should have, knowledge of the risk.”

Child Protection Law Act MCL 722.622 (2)

Neglect includes Medical Neglect and Failure to Protect.

*School truancy is handled by the Prosecutor's Office, in collaboration with Oakland Schools (248) 209-2142. School truancy can be a symptom of other abuse & neglect issues that require a report to DHS/CPS.

When in doubt – report all concerns.

When I Suspect Child Abuse (what to & not to do)

Steps to Take when Abuse is Suspected

- Listen to child's report
 - Avoid asking a lot of questions
 - Repeat back what you heard the child say
 - Thank them for telling you
 - Write down child's words when the child is no longer with you
- Establish Safety
 - Identify if the child is fearful of returning home
 - Identify if the alleged perpetrator will have contact with the child
- Immediately Contact (right away)
 - Child Protective Services **(866) 975-5010** (follow up with written report)
 - Local Police dispatch, strongly recommended when each CPS call is made
- Contact School Administrator
- Allow/accommodate the investigation by CPS and the Police
 - Provide investigators with access and information
- Provide no information to any non-investigative parties
 - Including parents (see Dealing with Parents)

Things to Avoid

- ✓ Avoid placing stigma on the child by:
 - Calling the child to the principals office
 - Speaking about the report in front of others, including staff
- ✓ Avoid conducting an investigation:
 - Don't interview/in depth question the child
 - Don't contact parents/caregivers
 - Don't contact alleged offender/perpetrator
- ✓ Avoid making quick decisions/responses
 - Instead consult with investigators before making decisions/responses
 - Do not share information/evidence with anyone
- ✓ Avoid placing the CPS workers card or other information in the child's school file (CA-60)
 - Please create a separate file for all information regarding reports of abuse

Never

- Question child's truthfulness or integrity
- Identify/label the child as "bad" or "wrong" for reporting
- Question children in pairs or groups
- Question children when parents present
- Have child write a statement
- Allow anyone else to determine if you should make a report of abuse
- Discipline a child for sexual activity prior to an investigation
- Promise a child an outcome

Please Do

- Thank the child for disclosing and trusting you
- Report as early in the day as possible
- Have designated referral person at school who expect to be contacted by investigators
- Stay focused on what could happen
- Consider sexual activity (even peer on peer) a reportable disclosure & both kids victims

Always

- ✓ Report all concerns to DHS/CPS and allow them to investigate
- ✓ Err on the side of protecting a child

When in doubt – report all concerns.

How Do I Report & Talking With Parents (to dos & not to dos)

Who to Call

- 1st in the Community
 - Child Protective Services (CPS) (866) 975-5010
Follow up with completed 3200
 - Police – If time is critical and/or safety is a concern, if any injury has occurred
**Be sure to record their name and contact number*
- 2nd in the School District
 - Building Administrator

**All persons with reasonable suspicions are responsible/required by law to report to CPS*

What to Report

- Provide name, birth date, sex, race, address, phone number, and parent information
- Use child's exact words (or as close as possible) when reporting to CPS
- Note and report any developmentally inappropriate behaviors
- Include all symptoms/concerns in detail – including neglect
- If possible, take photos of physical signs (do so in a discreet manner)
- Include names of all school personnel who witnessed/heard report or spoke with child
- Inform the investigator of the school's calendar – times and dates expected to be closed/off

How to Word a Report

“Child stated father repeatedly struck (name) with a leather belt and slapped her with an open hand repeatedly. Marks can be seen. This incident occurred on Thursday, (date) at dad's home.”

“5 yr old reported being home alone after school. Could not provide street name or house number, other adult contacts, did not know where mom was or worked. No phone in the house.”

“Child reported she is fearful to go home because her mother will be gone and her father touches her privates whenever they are alone. She indicated this has happened many times and that she knows it will happen again tonight. She was crying and shaking when she made this report.”

“Child stated mother's live in partner is physically and verbally abusive to (child's name). He is said to have smeared (child) with her own feces during potty training, placed her in the bathtub, sprayed with cold water and yanked her by the arm.”

Dealing with Parents

- Do NOT contact parents – allow investigators to do so.
- Do NOT allow child to go home until you are satisfied the child will be safe at home otherwise wait for CPS or the Police.
- DO NOT provide parents with reported information.
- Once the investigator's have contacted the parents it is best to tell parent/teacher, and others inquiring about the situation, to obtain all information from the investigators.

When Questioned by Parents, Respond as Follows

- “The child is remaining at school right now” without providing additional information.
- “The schools legal responsibility is for the safety of the child.”
- “This matter has been referred to the appropriate authorities.”
- “I am not allowed to discuss this matter further.”
- “Feel free to contact the investigator (providing them with name and number if possible).”

When in doubt – report all concerns.

Where Do Reports Go (investigation & prosecution)

Department of Human Services (DHS)/Child Protective Services (CPS)

Referrals are received by intake department

Determination is made if referral meets the criteria of child protection law

If referral does not meet the criteria for investigation you will be told immediately

*A written 3200 form needs to be filed regardless of whether a referral is accepted

Assignment is made for investigation if the criteria of child protection law is met

CPS Investigator

Determines time frame/urgency of investigation by DHS policy and procedures

Is likely to need to interview referral source

May need to interview other staff and children

The school's cooperation during investigation is expected

Including sharing new and/or pertinent information

Notification

Expect notification – via a form letter – if case is not accepted for investigation

Expect notification – via a form letter – upon completion of the investigation

Statement as to whether or not a preponderance of evidence was or was not found

Outcome

Most cases investigated do not result in court proceedings

Intervention services are typically provided to families

The reporter may request an update from the CPS investigator

Law Enforcement (Police)

Reports assigned to officer for investigation

Officer often required to interview victims and witnesses at school

Officer will not typically interview suspects at school

The school's cooperation during investigation is expected

Including sharing new and/or pertinent information

Do not anticipate follow-up information to be provided

Unless a child is charged

Court Process

Few cases that undergo investigation are brought to court

Of those cases charged, many result in a plea and do not require witness testimony

If you're needed to be a witness you will be contacted by a prosecutor

The Role and Responsibility of the School After a Referral is Made

Protect the confidentiality of the report

Preserve the investigation by not questioning the child but listening, observing and monitoring

Continue to uphold the obligation to report new information and suspicions

Refer all questions and inquiries to the investigators (law enforcement and/or CPS)

Including information regarding the victim

What to do when the System Does Not Respond/Work

Contact the investigator's supervisor

Place the report again only with additional detail and/or more information **(866) 975-5010**

*Be sure to record all contacts and attempted contacts made with investigative agencies

Include date, time and who contacted

Keep notes with copy of report filed (not in child's permanent file)

When in doubt – report all concerns.

Why Do I Report (requirements & responsibilities)

Michigan Law Requires

School Administrators
School Counselors

Teachers
Social Workers

who have a reasonable cause to suspect child abuse or neglect to make an immediate (right away) oral report to the Department of Human Services (DHS) Child Protective Services, followed up by a written report.

Additional School Personnel who have a reasonable cause to suspect child abuse or neglect should make an oral report to the DHS/CPS

Teacher's Aides
Custodians
Crossing Guards

Recess and/or Lunch Aids
Bus Drivers

and other persons who have contact and care of children in a school setting.

Requirements

- Make oral report of reasonable suspicions immediately to DHS/CPS by calling **(866) 975-5010**
- A written report (3200 form) is to be completed and filed with DHS/CPS within 72 hours
- Notify the person in charge at your school that a report was made.

Responsibilities

- If your school has an "appointed reporter" but that reporter does not report, you remain responsible for reporting. By law you must report your concern.
- A written statement of the concern, including dates, times, descriptions, and using the child's words as much as possible must be made by the reporter as soon as possible. A copy of this statement should be retained by the reporter.
- A copy of the completed 3200 form should be retained by the reporter & keep confidential.
- The reporter may be called to testify in a court of law on behalf of the victim.

Penalties under Section 722.633

- A mandated reporter who fails to report an instance of suspected child abuse or neglect, and who knowingly fails to do so, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.
- A mandated reporter who fails to report an instance of suspected child abuse or neglect is civilly liable for the damages proximately caused by the failure to report.

Limitations of Confidentiality

- The name of the reporter of child abuse and neglect will not be released to the public by DHS/CPS.
- The name of the reporter of child abuse and neglect will be released by DHS/CPS to other investigators.
- If the report leads to a criminal investigation or child protection proceeding, the name of the reporter will no longer be considered confidential and will be involved on the case witness list.

Current and Updated Information and Sources of Information

Mandated Reporter Training

www.carehouse.org

Ombudsmans Office (investigating Child Protective Service and Foster Care cases)

(800) 642-4326 (517) 373-3077

When in doubt – report all concerns.

Safety Issues & Peer on Peer Abuse

When A Child Appears to Be In Immediate Danger

- Remain calm and be reassuring to the child
- Place child in a safe environment
 - Possibly in a location other than their regular classroom
 - Possibly in a location where the child couldn't be viewed by outsiders
- Contact authorities immediately
 - Child Protective Services **(866) 975-5010**
 - Law enforcement (police)
- Have a safe and comforting adult remain with the child until authorities arrive

Peer on Peer Sexual Abuse Situations

- Do not interview either child
- Contact investigator immediately
 - Child Protective Services **(866) 975-5010**
 - Law enforcement (police)
- If either child makes statements to you
 - Do not follow up with additional questions
 - Write down exact words child spoke
- Do not ask either child to produce a written statement
- Keep children separated until investigator arrives
- Do not contact parents, allow investigator(s) to do so

When in doubt – report all concerns.