

# Reporting Child Abuse & Neglect



*How to use the free*  
**DARKSCAN™ DIGEST**

Training Guide  
Pinion Feather Press, LLC  
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# Statistics (2018)

## Types of Child Maltreatment

<b>60.8%</b>	<b>Neglect</b>
<b>10.7%</b>	<b>Physical</b>
<b>7.0%</b>	<b>Sexual</b>
<b>2.3%</b>	<b>Emotional</b>
<b>&lt;&lt;1.0%</b>	<b>Sex Trafficking</b>
<b>15.5%</b>	<b>Multiple (mainly Neg. + Phys.)</b>



# Reporter Ambivalence due to:

- Peer Pressure
- Faith-based view of families
- Reporting based on weak evidence
- Suspects are treated as guilty until vindicated
- Distrust of officials as to faith, spanking, and or homeschool



# Abuse is a Problem

- Persistent
- Devastating
- Can cause physical & mental disability
- Leads to next-generation abusers
- It happens when the abuser's attempts to reform have failed, and/or when influence by peers or counselors has failed



***The big picture justifies reporting to official good Samaritans.***

# Effects of Abuse after the Victim Reaches Adulthood

- Anguish and malaise
- Self-medication (nicotine, alcohol, drugs)
- Life expectancy shortened by 20 years\*

*[\*CDC findings for 6 or more traumatic childhood incidents (emotional, physical, sexual, and/or household dysfunction)]*

# Resource



## “The Digest”

- Digest for American Reporting of Known or Suspected Child Abuse & Neglect, F. Russell Denton (Pinion Feather Press, LLC), ISBN No. \_\_\_\_\_, 336 p. [DARKSCAN™]
- Has background + “how to” for reporting in all jurisdictions in the U.S.
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# Jurisdiction (I)



- RULE: Report to the jurisdiction where either the incident *happened* or the child *resides*. *The rules vary*.
- LOCALE: Cases are *usually* with a STATE or federal territory (e.g., Guam)
  - Includes *first 3 miles off the coast* for ocean & Great Lakes (9 miles for TX & FL Gulf)
  - Reporting *may be* at the county level in some jurisdictions.
- DETOUR: For unknown site of abuse, report to jurisdiction where child *resides*
- CAVEAT: Reports to the wrong authority may get forwarded. Sometimes not.



# Jurisdiction (II)



## *FEDERAL special cases:*

- Lands & Vessels: Parks Tribal Military Prisons  
Federal offices & facilities Federal rented facilities
- Maritime & Air: Planes Waters 3-12 (or 9-12) miles offshore  
U.S. sites abroad
- Internet: For obscenity, fraud, and soliciting minors
- Athletes: The entire organization, **regardless** of who travels, if anyone crosses state or national borders
- Kidnapping/Trafficking: Hotlines & the FBI

# Jurisdiction (III)



## The rules change when:

1. Crossing state lines or national borders **or**
2. Going from state to federal lands or vice versa.

- Official control & laws & protocols are where the ***incident occurs***.
- BUT officials where the child resides MAY take reports.

# Reporter Type #1



## **MANDATORY REPORTERS**

- Most jurisdictions require at least some professionals to report, and MAY not permit them to delegate reporting.
- Examples of mandated professions:
  - Health, Mental health, Counselors, Lawyers, Police, Educators, Athletic Departments, Social workers, Commercial Film & Photo Developers (for child porn), Clergy, etc.*
  - Humane Officers – because adults who abuse animals are more likely to abuse kids*
- Mandates may include things seen in their free time; check local rules.

# Reporter Type #2



## **EVERYONE ELSE**

- Most jurisdictions say those people MAY report (“permissive”).
- **SOME** jurisdictions say those people MUST report.
- ALL jurisdictions encourage reporting.
- Deadlines ***don't apply*** to permissive reporters.

# Reporting Standards

- The phrasing varies.
- Illustration:



**[The reporter] ... knows OR has reasonable cause to believe that a child has been abused or will be abused ... or that the child is in a circumstance or situation that would reasonably result in abuse.**

- SOME reporters have a qualifier for their mandate, such as:  
“... in an occupational capacity, he or she observes ...”

# Reporting Decisions

Check the Digest's descriptions. Assess the: (a) victim, (b) perpetrator, (c) type of wrong, (d) type of harm, and (e) circumstances.

1. If you KNOW there was abuse or neglect, **report**.
2. If you have a REASONABLE suspicion, **report**.
3. If you do NOT have a reasonable suspicion, **do NOT report**.
4. If a doubt still remains after thinking it through, **report**.

# Elements of Reasonable Cause

1. Child abuse law SELDOM defines “reasonable cause to believe”.
2. BUT reasonable cause to believe is NOT:
  - (a) **Certainty** that abuse or neglect occurred; **or**
  - (b) **Evidence** or **Proof** that abuse or neglect occurred.
3. Reasonable cause to believe MAY arise from **observation** along with:
  - (a) **Feelings** (about the observations or inferences); &/or
  - (b) **Circumstances** &/or
  - (c) **Likelihood**



# Reasonable Cause (I)

## (A) Assess your CONFIDENCE:

1. **Observations:** Are you confident based on:
  - (a) Time spent observing? *or*
  - (b) Familiarity with what you observed? *or*
  - (c) Nature of the evidence: clear significance, and you saw it first-hand?
  
2. **Inferences (conclusions / judgment):** Are you confident based on:
  - (a) Relevant past experience? *or*
  - (b) The fit of your explanation (inference) to the facts?

# Reasonable Cause (II)

## **(B) Assess the CIRCUMSTANCES:**

1. CHILD: Is the child vulnerable? *or*
2. INSIGHT: Do you have insight or facts that others don't? *or*
3. OTHERS: Have others reported on it already?

# Reasonable Cause (III)

## (C) Assess the LIKELIHOOD:

1. PAST: That the child was abused; *or*
2. PRESENT: That bad things may happen if you don't report; *or*
3. FUTURE: That abuse will happen in the future; *or*
4. IMPACT: That reporting will help.

# Lingering Concerns

The rule EVERYWHERE is:

If you have new information, but still aren't sure if it's child abuse or neglect, **REPORT.**

# Privilege

- Confidential communications MAY be privileged.  
*Privileged discussions are exempt from reporting.*
- Examples: attorney-client; clergy-penitent.
- BUT some jurisdictions do NOT recognize privilege as to child abuse.
- If clergy members learn the same facts ***outside*** of confession, in many jurisdictions they MUST report those.



# Timing of Report

- Most jurisdictions: IMMEDIATE.
- BUT “immediate” is often defined:
  - *Within 24 (or 48) hours*
  - *OR as soon as reasonably practical*
- Official response protocols are urgent.



# Where & How



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- *See the Digest* as to that jurisdiction.
- For imminent danger, call **911** first. Report afterward.
- Usually there is an *immediate phone report* to a hotline, department of children & family services (social workers), or police.
  - *Police* are especially called in for severe, sexual, and stranger abuse
  - Note any special protocols (death, fetal substances, institutions, etc.)
  - Note which facts that jurisdiction wants for reports.
- Some jurisdictions mandate follow-on written reports.



# Protections



- Abusers sometimes abuse reporters.
- Reporters often have various protections.
  1. **Anonymity**. This varies widely.
  2. **Non-disclosure** of their name(s), if the report is released.
  3. **Immunity** from civil & criminal liability for a report made in ***good faith***.

# Good Faith



Reporting in good faith means:

1. ***Reasonable belief*** that a child was abused or neglected;
2. ***Reasonable steps to learn*** readily available facts; and
3. ***Not intending to injure*** or violate another person's rights.

# Penalties

## Examples of acts that are often crimes:

- Failure to file *mandatory* reports.
- Interfering with mandated reports.
- Filing a knowingly, willfully false report.
- Institutional retaliation for reports.



# Statutes



***Relevant incidents usually fit local legal descriptions for at least one of:***

- **NON-SEXUAL ABUSE**      may be physical, mental, or drug exposure
- **NEGLECT**              may include emotional abuse, drug exposure or abandonment
- **SEXUAL ABUSE**        may be consensual, harassment, rape, incest, molestation, etc.
- **EXPLOITATION**        may include forced labor, making child porn, prostitution, unwilling sex; or trafficking for any of those

# Physical Abuse

## Acts, omissions, or tolerating:

- Injuries
- Threats & attempts
- Constraints (tying or caging)
- Exposure to risks or drugs
- Trafficking for child labor



***Many times only a parent, guardian, or custodian may be reported.***

***But “stranger danger” is still illegal & POLICE should be notified.***

# Exception

Physical discipline / corporal punishment is OK if it is:

- (a) MODERATE in *administration* (not too hard),
- (b) REASONABLE in *manner* (tone), and
- (c) NOT CRUEL otherwise.

*HOWEVER, Rules vary on whether SPANKING may leave light MARKS.*



# Neglect (I)



## There are several types:

- LACK: Failure to provide enough (and good enough) food, shelter, clothing, education, medical care, or special needs care, **when able to afford them.**
- INATTENTION: Lack of supervision, guidance, hygiene, etc.
- NON-PROTECTION from: (a) drug environments; (b) other physical risks; (c) emotional abuse; (d) moral hazards.
- ABANDONMENT: lack of provision; lack of relationship; for a few months.



# Neglect (II)



## Clarifications:

- Poverty is not neglect *per se*, **IF** available programs for help are used.
- Treating by prayer is OK instead of medicine; but courts may intervene.
- Latchkey kids are allowed, **IF** it is age-appropriate.
- Inability to provide from prison, a hospital, etc., **MAY** be neglect.

*The inability rule gives social workers grounds to intervene and help the child.*

# Sexual Abuse



**Inflicting or allowing for anyone's GRATIFICATION:**

**ASSAULT:** (Actual or attempted): Rape, incest, molestation (over or under the child's clothing), sodomy, indecent exposure

**CONTACT:** (Consensual or not; actual or attempted): Any sexual contact

**INTERCOURSE:** (Consensual or not; actual or attempted): Even slight penetration in bodily cavities by a tongue, male organ, or a foreign object

***Exception:*** Medical purposes, using a foreign object

***Exception:*** Home care / affection (e.g., patting baby's bottom)

# Age of Consent



## Threshold age for consenting to sexual activity:

- PURPOSE:** This is an FYI as background. It does NOT excuse sexual abuse.
- CONTEXT:** Some jurisdictions have nuanced “Romeo & Juliet” laws to avoid penalizing sex between underage children, or with close-in-age older peers. In those places, it is abuse only if it is nonconsensual.
- OTHER:** These laws do NOT excuse: (a) incest; (b) relations with caregivers or other authorities in a child’s life; or (c) sexual exploitation.

# Exploitation

## Activities for *PROFIT*:

1. Child Pornography
2. Prostitution (voluntary) or unwilling sex
3. Trafficking (involuntary labor, porn, unwilling sex, prostitution)
4. *Recruiting, procuring, transporting, harboring, etc., for those.*



# When a Child Volunteers Information

*The FIRST adult approached by a child about maltreatment is an “outcry witness”, and often their account gets special treatment by law.*



1. Create a calm, comfortable, confidential space for a chat.
2. Affirm wisely – comfort them but DON'T say you won't tell anyone.
3. Go with the flow.
4. Listen well. Don't jump to conclusions. Don't make value judgments.
5. Speak carefully – keep questions simple, open-ended, and not too many.
6. Document the discussion, verbatim if possible.
7. Tell authorities (don't tell parents you will). Tell others only for need-to-know.

# Steps for Reporting



## 1. Identify the relevant jurisdiction and find those Digest pages.

- Digest: See the Who, When, Where & How, Why, & What parts for that jurisdiction. Return to the “How to Use this Digest” section if clarification is needed.
- General rule: If in doubt, report.
- Good faith: (a) reasonable belief; (b) take reasonable steps to get facts; (c) no malice.

## 2. Make notes for Q&A with intake personnel.

## 3. Contact authorities.

## 4. Record confirmatory information (case number, if any).

# Reporting Quiz (I)



(1) Child abuse and neglect laws vary by:

- (a) City                      (b) County                      (c) State                      (d) None of those

(2) Which jurisdiction should incidents be reported to?

- (a) Where the child resides                      (c) Where they happened  
(b) Where a reporter heard of them                      (d) All of the above

(3) Which of these sometimes must report things learned in their free time?

- (a) Animal control officers                      (c) Officials  
(b) Professionals working with children                      (d) All of the above

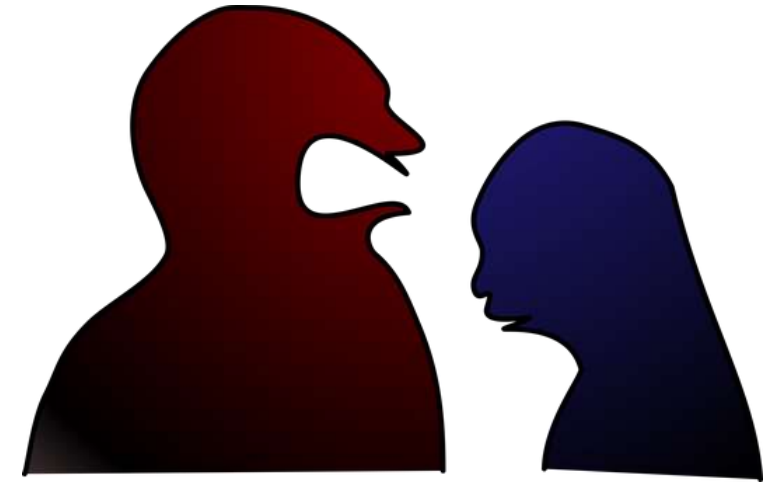


# Reporting Quiz (II)



- (4) An “immediate” report must be made within:  
(a) 1 hour      (b) 24 hours      (c) Unspecified      (d) Laws vary
- (5) The first contact for reporting usually must be how?  
(a) In person      (c) By phone  
(b) Online      (d) Filled-in form
- (6) Of the following, the most common recipients for reports are?  
(a) Social Workers      (c) 911 lines  
(b) Schools & Hospitals      (d) Sex Offender Registries

# Reporting Quiz (III)



- (7) Which statutes apply for activity just off a coast?  
(a) local      (b) state      (c) federal      (d) international
- (8) Which abuse statutes apply in a national park?  
(a) county      (b) state      (c) federal      (d) none of those
- (9) Which of these parent situations is NOT grounds for neglect?  
(a) in jail      (b) on drugs      (c) poverty      (d) busy
- (10) Which of the following physical discipline examples may be abusive per se?  
(a) the child cries      (c) the child is a teen  
(b) a strap was used but left no marks      (d) harsh words are used with it

# Reporting Quiz (IV)



- (11)** Which of the following is NOT required for reasonable suspicion of child abuse?  
(a) certainty (b) evidence (c) proof (d) all of those
- (12)** Which of the following is relevant for reasonable suspicion of child abuse?  
(a) nagging doubts (b) experience (c) time observing (d) all of those
- (13)** Which of the following is relevant for reporting decisions?  
(a) vulnerable child (b) first to report (c) insight (d) all of those
- (14)** Which of the following is relevant for reporting decisions?  
(a) likely past abuse (c) likelihood of report to help the jurisdiction  
(b) likely future abuse (d) all of those

# Reporting Quiz (I)

## ANSWERS



(1) Child abuse and neglect laws vary by:

(a) City

(b) County

(c) State

(d) None of those

(2) Which jurisdiction should incidents be reported to?

(a) Where the child resides

(c) Where they happened

(b) Where a reporter heard of them

(d) It depends

(3) Which of these sometimes must report things learned in their free time?

(a) Animal control officers

(c) Officials

(b) Professionals working with children

(d) All of the above

# Reporting Quiz (II)

## ANSWERS



(4) An “immediate” report must be made within:

(a) 1 hour

(b) 24 hours

(c) Unspecified

(d) Laws vary

(5) The first contact for reporting usually must be how?

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(d) Filled-in form

(6) Of the following, the most common recipients for reports are?

(a) Social Workers

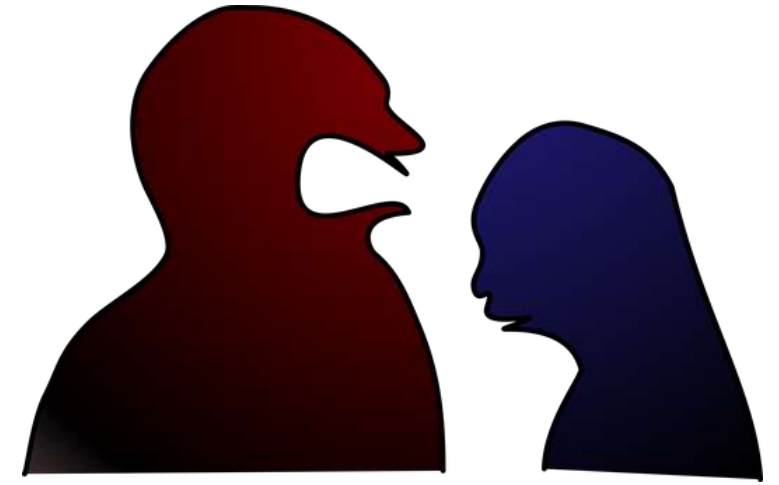
(c) 911 lines

(b) Schools & Hospitals

(d) Sex Offender Registries

# Reporting Quiz (III)

## ANSWERS



- (7) Which statutes apply for activity just off a coast?  
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(b) a strap was used but left no marks       (d) harsh words are used with it

# Reporting Quiz (IV)

## ANSWERS



- (11) Which of the following is NOT required for reasonable suspicion of child abuse?  
(a) certainty (b) evidence (c) proof (d) all of those
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