Sacramento City Unified School District

Human Resource Services

2019-2020

AB 1432 – California Educator Mandated Reporter Training

The Child Abuse Mandated Reporter Training California website team worked with the California Department of Social Services and the California Department of Education to develop a new online training for educators. The new Mandated Reporter Training for Educators will satisfy the requirements of AB 1432. This is a stand alone training that does not require the General Training to be taken first.

Introduction

- In California, certain individuals are mandated by law to report known or suspected child abuse. These mandated reporters are listed in the Child Abuse and Neglect Reporting Act (CANRA); of the over 40 categories listed, teachers are listed first.

- In 2013, 89% of all reports made in the state of California were made by mandated reporters, led by Educators, who made 22% of reports of suspected child abuse or neglect[1].

- [1] Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., King, B., Sandoval, A., Yee, H., Mason, F., Benton, C., Pixton, E., Lou, C., & Peng, C. (2014). CCWIP reports. Retrieved 10/7/2014, from University of California at Berkeley California Child Welfare Indicators Project website. URL: http://cssr.berkeley.edu/ucb_childwelfare

Introduction, page 2

- As educators, you play a key role in detecting and helping abused children. Because children and adolescents spend the majority of their day in school, educators have more access to them than other professionals. This regular contact gives you the chance to observe changes in appearance and behavior that others may not notice.

- You may be the trusted adult to whom a child makes an initial disclosure of abuse. Educators are often seen as positive role models, and may be a source of support and care for many children.

- It is imperative that you know how to respond, that you understand your rights and responsibilities as a mandated reporter, and that you are familiar with your district's policies and reporting procedures.

Background

- It may seem hard to imagine a time when the problems of abused, neglected, and molested children were not viewed as important and worthy of professional attention. Yet our current concern for the welfare of children is a relatively recent phenomenon.

- An article published in 1962 by pediatrician Dr. Henry Kempe and his associates marked the beginning of modern interest in child maltreatment. Their paper argued that many of the "accidental" children's injuries being seen by pediatricians were in fact the result of intentional abuse. They labeled the phenomenon they observed the Battered Child Syndrome.

- The concept of battered child syndrome led to discussions about how abused children might be brought to the attention of child welfare authorities so that the abuse could be stopped. As a result of their work, reporting laws pertaining to physical abuse were developed, such as the first child abuse reporting law in California, enacted in 1963, which mandated that physicians report concerns of physical abuse.

Background

- As knowledge and understanding of child abuse increased over time, it became evident that professionals other than physicians might also be in a position to identify child maltreatment. This led to a substantial increase in the number of professional groups designated in state laws as mandated reporters. The definition of child abuse has also expanded to include other forms of child maltreatment that must be reported.

- The Child Abuse and Neglect Reporting Act (CANRA) was passed in 1980. It can be found in the California Penal Code (P.C.), sections 11164-11174.3. CANRA provides definitions, procedures for reporting suspected abuse, and protections as well as liabilities for mandated reporters. Sections of the Education Code (E.C.) also provide procedures for educators reporting suspected abuse.

Lesson 1 - Recognizing Child Abuse and Neglect

- Red flags for abuse and neglect are often identified by observing children's behavior at school, recognizing physical signs, and observing family dynamics during routine interactions with parents. This lesson will provide information about and examples of red flags that may raise suspicions of child maltreatment specific to the educational environment.

- Later lessons will discuss how to report.

- At the end of this lesson, you should be able to:

- Define physical abuse, sexual abuse, emotional abuse, and neglect
- Be able to provide examples of the various types of abuse
- Be familiar with physical signs and behavioral indicators that should raise suspicion for possible child maltreatment

- Vignettes will test your knowledge throughout the lessons, but are not part of your test or score.

- It is important to remember that a mandated reporter must make a child abuse report "whenever the 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…" (P.C. 11166(a)).

- If you suspect, REPORT!!!!

- Proof of abuse is not required; that will be determined through investigation by the child welfare professionals and/or law enforcement.

- CANRA defines physical abuse as a physical injury inflicted by other than accidental means on a child, or intentionally injuring a child.

- Physical abuse is characterized by physical injury (for example, bruises, burns or broken bones) resulting from hitting, beating, kicking, biting, burning, or otherwise harming a child. Although the injury is not an accident, the parent or caretaker may not have intended to hurt the child. The injury may have resulted from over-discipline or inappropriate physical punishment.

- The injury may be the result of a single episode or of repeated episodes and can range in severity from minor bruising to death. Any injury resulting from physical punishment that requires medical treatment is considered outside the realm of normal disciplinary measures.

- The developmental abilities of a child should be considered when evaluating injuries. Keep in mind that any injury, even a small bruise, in a very young infant is concerning. This is because young infants are not mobile and are completely dependent on their caregivers. Therefore, even very minor injuries in this age group should raise concern for the possibility of inflicted injury.
  - Typical Development of Major Motor Milestones in Infancy
    - Age — Milestones
    - 2 months — Lifts head
    - 4 months — Rolls over front to back
    - 6 months — Rolls over both directions and sits up
    - 9 months — Crawls, cruises
    - 12 months — Walks
    - 18 months — Runs
    - 24 Months — Walks upstairs

- Once children are capable of crawling or walking, bruises are very common. At that point, the location and any pattern of the injury need to be considered. Typical locations for accidental bruises in toddlers and children include bony areas such as shins, elbows, knees, forehead, and chin, among others. In contrast, common locations of abusive injuries include the back, buttocks, ears, face (particularly the soft tissues of the cheek), neck, and genitalia.
  - Normal or Accidental Bruising — Abnormal or Suspicious Bruising
    - Forehead — Cheeks of the face
    - Head — Buttocks
    - Chin — Ears
    - Knees — Neck
    - Elbows — Back
    - Outer arms — Genitals
    - Shins
    - Above bruising refers only to ambulatory or mobile children. Bruises of any kind are uncommon in infants and should raise suspicion.

- Additionally, abusive bruises and burns may be patterned or have a distinct outline, while accidental bruises typically do not leave a clear pattern or outline. However, abusive injuries are not always patterned and may look very similar to accidental bruises.

- Broken bones, lacerations, burns (cigarette, scalding water, iron) are also injuries that may be concerning for possible physical abuse. Click on the following to see examples of INFLICTED injuries. Warning: Photos may contain graphic content. Slap mark, belt/loop mark, patterned burn

- Other red flags for possible physical abuse include:
- (hover over each statement for extra information)

- Any injury with an improbable explanation
- An injury that is unusual for the child's age
- A history of previous or recurrent injuries
- A parent or caregiver who delays or fails to seek medical care for the child's injury
- A statement by the child that the injury was caused by abuse

- Under current law child abuse does not include:

- A "mutual affray between minors" (P.C. 11165.6)
- "Reasonable and necessary force" used by a peace officer acting within the course and scope of his or her employment as a peace officer (P.C. 11165.4)
- "Reasonable and necessary force" used by a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil (P.C. 11165.4, E.C. 44807, and E.C. 49001)
- A child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect (P.C. 11165.2(b))

Lesson 1 - Vignette 1

- You are an employee at a school. A seven-year-old child comes to school with patterned red marks on his cheeks. He was absent the day prior. When you ask him what happened to his cheek, he replies that he fell while riding his bike. Do you report this injury?
- A. No, because falling off a bike is an accidental injury
- B. Yes, because he missed school the day prior
- C. No, it is a very minor injury
- D. Yes, because the injury is concerning for possible physical abuse

This is the correct answer.

This is a patterned injury on the soft tissue of the face (cheek), so is concerning for an inflicted injury. There are no abrasions or other injuries, so the explanation of the injury (falling off a bike) is not likely. Even if the child has not disclosed abuse, these observations should raise suspicion and should be reported so that they can be investigated.

- Per CANRA, Sexual abuse refers to sexual assault or sexual exploitation as defined by various sections of the California Penal Code as well as other specific acts listed in the law. However, understanding under what circumstances a report needs to be made can sometimes be confusing. Unlike other forms of abuse, age differences can be important when assessing sexual activity. These exceptions are summarized here.

- It is important to remember that any sexual act that is coerced, forced, or accomplished without the consent of the partner is considered abuse and must be reported. As with all forms of abuse, if you are unsure whether what you have seen or heard is abuse, call a child protective agency for advice.

- Sexual assault includes rape, statutory rape , incest, sodomy, lewd or lascivious acts upon a child, oral sex, sexual penetration, or child molestation. It includes, but is not limited to, all of the following:

- Penetration, however slight, of the vagina or anal opening of one person by the penis of another person.
- Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, excepting acts performed for a valid medical purpose
- The intentional touching or fondling of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, for purposes of sexual arousal or gratification
- Masturbating in the presence of a child

Lesson 1 - Sexual Abuse Disclosure

- Although some children disclose right away, the nature of sexual abuse, the guilt and shame of the child victim, and the possible involvement of parents, stepparents, friends, or others in trusted positions often make it extremely difficult for children to report sexual abuse. Most victims of sexual abuse report the crime(s) months or even years after it has occurred, and many victims never report at all.

- Additionally, it is very common for children to recant a disclosure of sexual abuse, meaning they disclose the abuse and then change their story, denying that it ever occurred. This happens for a variety of reasons, including fear, guilt, shame embarrassment, or pressure from others to deny that sexual abuse has occurred. Many people may not believe the victim because the abuser is well-liked and others cannot believe he or she could be capable of sexual abuse. The child may feel guilty about "turning in" the abuser or breaking up the family, and recant or change his or her story.

- Although delayed disclosure and subsequent recantation are typical, they may result in skepticism when a child discloses sexual abuse. The sad reality of sexual abuse is that without third-party reporting, the child often remains trapped in secrecy by fear, shame, and threats by the abuser. It is therefore important to recognize that children rarely fabricate these accounts; they should be taken seriously.

Lesson 1 - Vignette 2

- You become concerned because 8-year-old Sara, a student in your class, is caught exposing herself to other children on the playground and telling them to touch her. You talk with her about this behavior, and she informs you that her 14-year-old brother always wants to see her "pee pee" and likes to touch it.
- What should you do?

- A. Call Sara's parents to tell them what she said and to find out more about her brother.

- B. Nothing, Sara does not seem upset and you do not want to over-react.

- C. Make a child abuse report for possible sexual abuse.

- D. Tell the principal of your concerns and hope that s/he will take the appropriate action.

C is the correct answer

- This is the correct answer. Sara has made a disclosure of possible sexual abuse; you must report.

Lesson 1 - What to Report: Neglect

- Neglect refers to the negligent treatment or the maltreatment of a child by his/her caregiver that results in harm or could be harmful. The term includes both acts (e.g., locking a toddler in a hot car) and omissions (e.g., not providing food) on the part of the responsible person (P.C. 11165.2).

- General neglect means the failure of a caregiver of a child to provide adequate food, clothing, shelter, medical care, or supervision, where no physical injury to the child has occurred (P.C. 11165.2).

- Severe neglect means the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered (P.C. 11165.2).

- Other forms of neglect include

- Medical neglect, such as not providing appropriate medical care, dental care, or immunizations
- Emotional neglect, such as not interacting with an infant or child
- Educational neglect, such as not enrolling a child in school or providing proper home-schooling

- The following red flags may be indicative of neglect.

- Note: Indicators should be evaluated in the context of the family's culture, values, and economic situation.

- Red Flags for Possible Neglect, Child

  - Dirty clothes, poor hygiene
  - Failure to thrive, or a malnourished child
  - Severe dental cavities
  - Developmental delay

- Red Flags for Possible Neglect, Home Environment

  - Medications, cleaners, toxins within reach of a child
  - Guns or other weapons that are not properly secured
  - Trash, rotted food, insects, or animal waste
  - Choking hazards within reach of an infant or toddler

Lesson 1- Vignette 3

- A second-grade student often complains that she is hungry, and had no breakfast. She rarely brings anything for lunch, and when she does, it is generally packaged pastry or chips. You also notice that her clothing is often inappropriate for the weather, and she appears dirty and unkempt. You ask the child's teacher of the previous year if the girl's situation was the same then. The teacher said that it was, and talking with the parents did not seem to help. You have noticed that her parents do not attend any school functions, and are never at home when you attempt to contact them.
- What concerns would you have about this student?

- A. Possible general neglect.

- B. Possible economic hardship.

- C. None.

- D. Both A and B.

D is the correct answer

- This is the correct answer. In this example, it would be appropriate to make a report of possible general neglect. If the family is experiencing economic hardship, they may need assistance accessing available services. Reporting will give the investigative agencies the opportunity to assess the situation and determine the appropriate response.

Lesson 1 – What to Report: Willful Harming

- Willful harming or injuring of a child is defined as a situation in which "any person willfully causes or permits any child to suffer… unjustifiable physical pain or mental suffering" (P.C. 11165.3). The definition of willful harming found in this section of the penal code also includes situations in which the child is in the custody or care of someone who willfully causes harm or places a child in a situation in which his or her health is endangered.
- What to Report: Emotional Abuse

- Although emotional abuse is not as clearly defined in the law as other forms of maltreatment, it is generally recognized as a pattern of behavior by a caretaker that impairs a child's emotional and/or psychological development. This may include constant criticism, threats, rejection, intimidation, humiliation, acts intended to produce fear or guilt, withholding of love and support, and isolation. Witnessing of domestic violence also falls within the scope of emotional abuse. In some situations, such as habitual scapegoating, belittling, or using cruel words, it may be difficult to determine what constitutes emotional abuse. However, for the mandated reporter, reporting the concern is the only requirement. It is up to the child protective agency to decide if the act(s) in question are emotional abuse.

Lesson 1 - What to Report: Emotional Abuse

- Emotional abuse is the most difficult form of child maltreatment to identify. First, the effects of emotional maltreatment, such as delays in physical development, learning problems, and speech disorders, are often evident in children who have not experienced emotional maltreatment. Second, the effects of emotional maltreatment may only become evident in later developmental stages of the child's life. Third, the behaviors of emotionally abused and emotionally disturbed children are often similar.

- There are some guidelines that can help distinguish between emotional disturbance and emotional abuse. The parents of an emotionally disturbed child generally recognize the existence of a problem, whereas the parents of an emotionally abused child often blame the child for the problems or ignore the existence of a problem. The parents of an emotionally disturbed child show concern about the child's welfare and actively seek help, whereas the parents of an emotionally abused child often refuse offers of help and appear punitive and unconcerned about the child's welfare.

- Reasonable suspicion of emotional abuse that must be reported often results from verbal disclosures or direct observation and involves any person willfully causing or permitting any child to suffer unjustifiable physical pain or mental suffering, or endangering the child's person or health (P.C. 11165.3). In the absence of a verbal disclosure or direct observation, suspicions of abuse may be reported when behavioral indicators alert the professional to suspect emotional abuse.

- Emotional abuse is often difficult to prove; cumulative documentation by a child protection agency may be necessary for effective intervention. Finally, emotional abuse is most often seen in combination with other forms of abuse; any child who is being physically abused, sexually abused, or neglected is also being emotionally abused.

Lesson 1 - Vignette 5

- In the course of your work, you work with a troublesome nine-year-old boy. He has frequent and severe behavior problems and is taking psychiatric medications for a mood disorder. You notice the child is not eating lunch. When you ask why, he tells you that he got in trouble with his parents and is not allowed to eat today. He tells you the last time he ate was 2 days ago, but that he must sit at the table and watch while the rest of the family eats. What do you do?
- A. Address this with the parents, as this difficult child may not be telling the truth
- B. Report your concerns of possible neglect as the child has not eaten for 2 days
- C. Nothing, sending children to their room without dinner is a common form of punishment.
- D. Report your concerns of possible emotional abuse, as this is a cruel and extreme punishment
- E. B and D

E. B and D- This is the correct answer

- You could report concerns of either neglect or emotional abuse, and it is best to report both. While it is common to send children to bed without dinner or dessert, this child has been deprived of food for 2 days, which is extreme. Having the child watch the remainder of the family eat is cruel. You do not need to address the issue with the parents as it is not your job to determine if this is the truth or not; you must only report. Additionally, talking with the parents may place the child at risk of further punishment or harm.

Lesson 1 - Risk Factors/Red Flags: Cultural Sensitivity

- When evaluating children and families for evidence of abuse, it is important to consider cultural and socio-economic factors. Cultural competency includes both the awareness of one's own cultural worldview and attitudes towards other cultures, as well as the development of knowledge about other cultures in order to understand, communicate with and provide services to people across cultures.

- Culture can be defined as a set of beliefs, attitudes, values, and behavior that is passed down from generation to generation. Culture is all-encompassing and is shaped by many factors in addition to race, religion, and ethnicity. Culture shapes attitudes and ideas about acceptable child behavior and may become evident in various aspects of child rearing.

- There may be times when you must decide whether to report child abuse, try to educate the parents, or simply accept a questionable practice as "different" but not harmful. If the practice falls within the legal definitions of child abuse, it must be reported. If you are unsure whether what you have seen or heard is abuse, call a child protective agency for advice.

Lesson 1 - Risk Factors/Red Flags: Parental Risk Factors for Abuse/Neglect

Parent lacks understanding of child development/normal child behaviors:

- Parent has unrealistic expectation of child (e.g., toilet-training a 6-month-old)
- Parent is unduly harsh and rigid about childrearing
- Parent attributes “badness” to the child, or singles one child out as "bad", "evil", or "beyond control".
- Parent misinterprets child's normal behavior (e.g., a parent interprets a child’s crying as evidence that child hates the parent)
- Parent describes use of objects (belts, whips, clothes hangers) or inappropriate consequences to discipline the child

Parent lacks understanding of parent/child relationship and/or perceives child in a negative light:

- Parent berates, humiliates, or belittles child
- Parent is unable to identify positive characteristics of child
- Parent is indifferent to child (e.g., ignores child who is upset or crying)
- Parent turns to child to have own needs met

Parenting is impaired by:

- Depression or other mental illness
- Substance abuse
- Parental history of abuse as a child
- Domestic violence
- Unemployment
- Poverty
- Lack of social support

Lesson 1 - Child Red Flags for Abuse/Neglect

- With regard to behavioral indicators, keep in mind that children react differently to being abused, and many abused children do not exhibit behavioral symptoms. The presence of any of the following indicators does not prove that a child is being abused, but should serve as a warning signal to look further.

- Anxiety
- Depression
- Self-abusive behaviors (self-mutilation or "cutting", suicidal gestures/attempts)
- Low self-esteem
- Clingy, forms indiscriminate attachments
- Hostile, aggressive, or verbally abusive towards others
- Social maladjustment: Delinquent behavior (such as running away from home), use of alcohol or other drugs, academic/behavioral problems in school, poor peer relationships
- Other significant behavioral changes

Lesson 1 - Child Red Flags for Abuse/Neglect

- Wariness of adults
- Discomfort when other children cry
- Fear of parents or of going home. This may be demonstrated by a child who comes to school too early or does not want to leave at the end of the school day.
- Wearing clothing inappropriate for the weather (though be aware that this may be a cultural issue as well)
- Frequent absence from school

Lesson 1 - Completed

Lesson 2 - What it Means to be a Mandated Reporter

- This lesson will describe the details of filing a report. It will also discuss the penalties for failing to report and the safeguards in place to protect mandated reporters.

- At the end of this lesson you should be able to:

- Understand who must report
- Describe how, when, and to whom a report must be filed
- Understand your rights to confidentiality and immunity as a mandated reporter
- Understand consequences of failing to report

- Though everyone should report child abuse, a number of professionals must report abuse or be held liable by law. These individuals, called mandated reporters, are primarily people who have contact with children through their employment and are listed in California Penal Code 11165.7. The list is extensive and continues to grow. Volunteers (with the exception of Court Appointed Special Advocates) of public or private organizations are not mandated reporters, but are encouraged to report concerns of abuse or neglect.

To whom do I report?

- Mandated reporters must make their report to the county welfare department (child protective agency) or to any police, sheriff, or, in some cases, county probation department. School district police or security departments are not authorized to receive child abuse reports (P.C.11165.9).

Can I report to my supervisor or school principal instead?

- The responsibility for reporting rests solely with the mandated reporter. Reporting suspected abuse to an employer, supervisor, school principal, school counselor, coworker, or other person is not a substitute for reporting to a child protective agency (P. C. 11166 (i)(3)) and does not fulfill the obligation to report.

Can someone else make the report for me?

- When two or more mandated reporters jointly have knowledge of suspected child abuse or neglect, a single report may be made by the selected member of the reporting team. Any member of the reporting team who has knowledge that the designated person has failed to report must do so him or herself.

What is “reasonable suspicion”?

- Child abuse must be reported when one who is a legally mandated reporter "…has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse…" (P.C. 11166(a)). Although wordy, the intent of this definition is clear: if you suspect, report. You are not required to prove that abuse has occurred. That will be determined through investigation by the child welfare professionals or law enforcement.

Lesson 2 - How to Make a Report

- First, By Phone

- The mandated reporter must report the known or suspected incidence of child abuse to a child protective agency or law enforcement agency immediately, or as soon as practically possible, by telephone.

Lesson 2 - How to Make a Report

- Then, In Writing
- The call must be followed within 36 hours by a written report to the child protective or law enforcement agency to which the telephone report was made (P.C. 11166 (a)).
- The written report must be filed on Department of Justice Form SS 8572 (DOJ SS 8572), known as the Suspected Child Abuse Report (SCAR) form. This form is available through county welfare departments, local law enforcement agencies or, in some instances, county probation departments.
- Example of 8572 Click on each section of the page for an explanation of what should be included.
- These forms and instructions are also available online at: http://ag.ca.gov/childabuse/pdf/ss_8572.pdf
- Keep in mind that while you are required to report any reasonable suspicion you have of potential child abuse, you should not take steps to investigate the abuse on your own. This fact-finding is the role of child protection investigators and law enforcement, who have been trained in how to minimize the trauma that an investigation and interview process may have on a child victim.

Lesson 2 - Vignette 1

- You work at a school. Volunteers come weekly to tutor and work with troubled teenagers. A volunteer tells you that a child has disclosed sexual abuse by her father. What are you obligated to do?

- A. Tell the volunteer to report their concerns to a child protective agency

- B. Tell your supervisor

- C. Report to a child protective agency

- D. Interview the child to obtain the information yourself prior to reporting

C is the correct answer

- While volunteers who work with children are encouraged to report concerns of abuse or neglect, they are not mandated reporters. You must report, and you do not need to interview the child as the disclosure by the child to the volunteer meets the criteria for reasonable suspicion. Also, you should not interview children about abuse unless you are trained to do so. While you may tell your supervisor of the event, this does not satisfy your obligation to report.

Lesson 2 - Protections for Mandated Reporters

To protect mandated reporters from repercussions for obeying the law and protecting children, there are laws that punish anyone who interferes with a mandated reporter making a report. Other laws provide for confidentiality and immunity from prosecution for making a report.

Right to Make the Report

- No supervisor or administrator may impede or inhibit a report or subject the reporting person to any sanction (P.C. 11166 (i)(1)). To do so is punishable by imprisonment, a fine, or both.

Identify of the Reporter

- Mandated reporters are required to give their names when making a report. Persons who are not mandated reporters, or mandated reporters who are not acting in their professional capacity, are not required to provide their names when making a report (P.C. 11166(g)). A reporter's identity is kept confidential and may only be disclosed
- between child protective agencies
- to counsel representing a child protective agency
- to the district attorney in a criminal prosecution
- to the district attorney in an action initiated under Welfare and Institutions Code section 602 (wards; minors violating laws defining crime) arising from alleged child abuse
- to the child's counsel appointed pursuant to Welfare and Institutions Code section 317 (c)
- to the county counsel or district attorney in proceedings under Family Code section 7800, et seq. (termination of parental rights) or Welfare and Institutions Code section 300 (dependent children)
- to a licensing agency when abuse in out-of-home care is reasonably suspected
- by court order
- when the reporter waives confidentiality (P.C. 11167 (d))

Contents of the Report

- Reports of suspected child abuse and the information they contain are also confidential and may only be disclosed to official agencies and professionals involved in the investigation, treatment, prosecution, or record-keeping of these cases. Any violation of confidentiality of this information is a misdemeanor punishable by up to six months in the county jail, or by a fine of $500, or by both.

list of parties that may legally receive information from suspected child abuse reports

- To persons or agencies to whom a reporter's identity may be disclosed
  - To persons or agencies to whom disclosure of index and investigative information is permitted under P.C. 11170 (b)
  - To persons or agencies with whom investigations of child abuse are coordinated under the regulations in P.C. 11174
  - To multidisciplinary personnel teams as defined in Welfare and Institutions Code section 18951 (d)
  - To persons or agencies responsible for the licensing of facilities that care for children, as specified in P.C. 11165.7
  - To the state Department of Social Services or any county licensing agency that has contracted with the state, when an individual has applied for a community care license, child day care license, for employment in an out-of-home care facility; or when a complaint alleges child abuse by an operator or employee of an out-of-home care facility
  - To hospital scan teams
  - To coroners and medical examiners when conducting a postmortem examination of a child
  - To the Board of Prison Terms when subpoenaed for parole revocation proceedings against a parolee charged with abuse
  - To personnel from a child protective agency responsible for making a placement of a child
  - To persons who have been identified by the Department of Justice as listed in the Child Abuse Central Index pursuant to subdivision (c) of Section 11170
  - To out-of-state law enforcement agencies conducting an investigation of child abuse only when an agency makes the request for reports of suspected child abuse in writing and on official letterhead, identifying the suspected abuser or victim by name
  - To persons who have verified with the Department of Justice that they are listed in the Child Abuse Central Index as provided by subdivision (e) of Section 11170
  - To the chairperson of a county child death review team, or his or her designee (P.C. 11167.5 [b])

Immunity

- Mandated reporters have absolute immunity from state criminal or civil liability for reporting as required, even if the mandated reporter acquired the knowledge/reasonable suspicion of the abuse or neglect outside of his or her professional capacity or scope of employment. Mandated reporters and others acting at their direction are not liable civilly or criminally for photographing the victim and disseminating the photograph with the report. (P.C. 11172 (a)).
- Note: Mandated reporters have immunity from federal claims only if the report was made in good faith.
- In the event a civil action is brought against a mandated reporter as a result of a required or authorized report, he or she may present a claim to the State Board of Control for reasonable attorney's fees incurred in the action if he or she prevails in the action or the court dismisses the action. (P.C. 11172 (c))

Lesson 2 - Failure to Report

- A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a $1,000 fine (P.C. 11166[c]). He or she may also be subject to a civil lawsuit, especially if the child-victim or another child is further victimized because of the failure to report (Landeros vs. Flood [1976] 17C.3d 399).

- Educators who fail to report may risk loss of their license or credential (E.C. 44421)

Lesson 2 - Completed

Lesson 3 - Legal and Ethical Issues

- This lesson will cover the legal and ethical issues relevant to mandated reporting, as well as some practical information about what you should do when you suspect a child has been abused or neglected.

- At the end of this lesson, you should:

- Be familiar with guidelines to aid you in deciding whether or not to make a report.
- Know what steps to take when you suspect a child is being abused/neglected, including how to talk with your student about your concerns.
- Be familiar with some of the obstacles to reporting and how to overcome them.
- Understand what may happen after the report is made.
- Understand regulations regarding confidentiality and release of student education records.

- In establishing thresholds for “reasonable suspicion”, it is important to remember that verbal disclosures of abuse surpass reporting thresholds and should always be reported. When suspicions arise based on behavioral concerns or other more subtle cues, educators are ethically obligated to explore their concerns in order to determine whether a report is warranted. However, it is important that educators work within the scope of their training and expertise. Teamwork within the school environment can be very helpful, and consultation with the school nurse, counselor, social worker or psychologist is recommended in helping to determine next steps. Remember that investigating concerns of abuse (for example, conducting interviews or physical examinations), making judgments about the validity of a disclosure, and evaluating the safety of the child are best left to the investigative agencies, not the mandated reporter.

- Deciding whether or not to tell a parent that you plan to report or already have reported child abuse can be a difficult decision. Although there are no legal guidelines for mandated reporters to follow in making this decision, keep in mind that your first priority is establishing the safety of the child. Any information that suggests that informing the parents could increase the risk of further abuse to the child should be considered. Also, be aware that such action could interfere with the investigation. For example, a parent might intimidate a child into recanting allegations, remove the child from your classroom or school, and/or flee to avoid contact with investigators.

- All public schools in California are required to adopt a comprehensive school safety plan. The school safety plan must include child abuse reporting procedures (E.C. 32282(a)(2)(A)). These protocols delineate what information the educator will need to provide when reporting and who is responsible for making the report. While school protocol may direct teachers, administrators, and other school personnel to refer all suspicions to the school's social worker or other designated person who will then make the suspected child abuse report, remember that as a mandated reporter you are responsible for ensuring that the report is made. Furthermore, reporting duties "are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report" (P.C.11166(i)(1)).

- It is imperative that you understand your rights and responsibilities as a mandated reporter, and that you are familiar with your district's policies and reporting procedures.

- When an educator suspects child abuse or neglect, but does not feel that the suspicions surpass his or her threshold for reporting, consultation with the child protection agency should be sought in order to assist in decision-making.

Lesson 3 - Determining Reasonable Suspicion

- Possible indicators of various types of child abuse and neglect have been provided. If you observe these warning signs, it is important to keep detailed and objective notes of your observations. Whether you are discussing the problem with colleagues or making a report to a child protective agency, written notes will be very helpful. Remember, it is not your role to investigate whether or not a child has been abused; it is your responsibility to report suspected abuse.

- What can you do if you become concerned about a child in your care, but are not sure whether a report is warranted?"
- (Click on the links to expand)

- Consider other observations you have made of the child.
- Check for a history of concerns
- When appropriate, check the child's cumulative folder for notations of previous problems.
- Talk with the child
- If you are unsure whether what you have seen or heard is abuse, call a child protective agency for advice.

Lesson 3 - Talking With Students

- As an educator, you may become aware that one of the children in your care is a victim of abuse by observing physical evidence, by the child's behavior, or by the child's verbal disclosure.

- If you observe physical evidence of abuse, employ only open-ended questions in asking the child about it. For example, if a child displays unusual bruising, ask "How did you get hurt?" rather than "Did your father do that? or "Who hit you?"

- If it is the child's behavior that concerns you, ask the child privately whether there is something going on that is making the child angry or unhappy.

- If a child discloses abuse

- Control your emotional response
- Do not express shock, disapproval or disgust regarding the child, suspected abuser, or disclosure
- Do not label the child's experience "abuse" or provide any other terminology not used by the child

Lesson 3 - Talking With Students

- Among younger school-age children, verbal disclosures sometimes occur by accident, or the child may tell another child who then tells you. However it is disclosed, do not be dissuaded from reporting the situation if the child recants his or her statements. It is very common for a child who discloses abuse to then deny it, fearing the possible consequences of their disclosure.

- It is important to reassure the child that he or she is not to blame and to recognize, when appropriate, the child's strength and courage in telling you about their experience. Let the child know what you will do as a result of the disclosure, explaining who you will tell and why.

- Although you may choose to consult with other professionals, as noted above, when assessing your concerns and deciding whether or not to make a report, it is never appropriate to discuss a child's disclosure or situation in general conversation. While you can not promise a child that you will not tell anyone about their disclosure, you should ensure their confidentiality within the school environment.

Lesson 3 - Vignette 1

- You are concerned about a seventh-grade student who has exhibited behavioral changes. Although she has always been a straight-A student, she has stopped turning in homework and does poorly on tests. She frequently appears tired and has even fallen asleep in class. She also no longer socializes with her friends. You decide to talk with her about your concerns.

- Which of the following is NOT appropriate when talking with your student?

- A. Conduct the discussion in private.

- B. Allow the child to tell you of her experience in her own words.

- C. Reassure the child that you will not tell anyone what she tells you.

- D. Remain calm; control your emotional response.

c. Reassure the child that you will not tell anyone what she tells you.

- As a mandated reporter, you must report disclosures of child abuse/neglect. You should let the child know what you will do as a result of the disclosure, explaining who you will tell and why.

Lesson 3 - Talking With Students

- Seeing a child with injuries or hearing a child tell of an abusive or neglectful act can be heart-wrenching. While it is important that educators control their emotional response in the presence of the child, it is also important that they have a place to express their thoughts and feelings regarding their concerns. Questions about procedural issues may also arise and need to be addressed. Ideally a debriefing would be incorporated into the school's reporting protocol, but in the absence of a formal procedure, educators should identify someone who can help them to process their experience such as a member of the reporting team, trusted colleague, or administrator.

Lesson 3 - Obstacles to Reporting

- One of the biggest obstacles to reporting may be the feelings of the potential reporter. It is important to remember that the intention of a child abuse report is to make child protective agencies aware of possible abuse in order to protect a child. Reports are investigated by the county child welfare agency (child protective services) and/or the appropriate law enforcement agency.

- Those required to report should be aware that reporting does not always mean that a civil or criminal proceeding will be initiated against the suspected abuser. If an investigation does not reveal evidence of child abuse the case may be closed and no further action taken. In cases of intrafamilial abuse, child protective agency workers can assess a family's needs and provide appropriate services, referrals, and education.

- Educators' concerns about the parent's reaction to the report can also be a deterrent to reporting, and should be addressed. Although the identities of mandated reporters are confidential, educators worry about repercussions, including being confronted by angry parents. Remember that becoming involved with investigatory agencies is often a confusing and perplexing experience for parents or caregivers. If confronted by an angry parent or the accused party, the educator should remain calm, and maintain a professional demeanor. School protocol should provide direction regarding who needs to be contacted in such situations, and what to do to ensure the safety of all involved. Listening to and normalizing a parent's feelings while expressing appropriate concern and respect may help diffuse the situation.

- Although less common, educators may become aware that a colleague has done something that may be considered abusive or neglectful. Denial is a common response when a staff member, especially one who is well-liked and respected, is implicated in possible child maltreatment. It is important to remember that educators must report known or suspected abuse no matter who the suspected abuser is. This issue will be discussed further in Lesson Four.

Lesson 3 - After the Report Is Made

- What the response will be and how quickly it will be made depends on the seriousness of the events reported and the situation the child faces. Where it appears that the child is in danger, the response will be immediate and may include both law enforcement and child welfare services. Where there is less risk involved it may be three to ten days before action is taken. Not all reports are assigned for investigation.

- Cases are usually investigated by Child Welfare Services when allegations involve intrafamilial abuse or neglect. If the alleged perpetrator is someone outside the family, Child Welfare Services only becomes involved when there is concern that a caretaker is unable or unwilling to protect the child. The CWS social worker interviews the child and involved parties to evaluate the situation. The worker's primary focus is the protection of the child.

- Often, parents or others who mistreat children are beset by problems that overwhelm them. Many of these parents report that they were poorly treated by their own parents, and that their childhoods were unhappy. They may not be able to handle the normal stresses of raising children without help.

- The social worker's responsibility is to offer services and resources to help manage the problems of the family and child. These services can include such things as counseling, referrals to self-help groups or assistance in obtaining medical care, emergency shelter, transportation, or child-care. The social worker's activities are designed to protect children and enable families to stay together whenever possible.

- The law enforcement officer also has a responsibility to protect the child. However, the focus of law enforcement intervention is to determine whether a crime has been committed. If so, the officer will gather information based on interviews, physical evidence, and other sources such as medical and school records necessary for possible criminal prosecution.

- Child protection workers and/or law enforcement officers may contact you to gather additional information to aid in their investigation. As an educator, you may have knowledge about the child and/or family which can aid the investigators in making accurate assessments and providing appropriate services. It is important to know the law regarding sharing of student education records, and to keep written documentation of all contacts.

Lesson 3 - Confidentiality of Student Education Records

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Under FERPA, parental consent is usually required before releasing information contained in school records. However, there are exceptions that can apply in cases of suspected child abuse and neglect. FERPA allows schools to disclose those records, without parental consent, to "appropriate officials in cases of health and safety emergencies". (34 CFR § 99.31)

- § 99.36 What conditions apply to disclosure of information in health and safety emergencies?

- When disclosing personally identifiable information from education records under this exception, the educational agency or institution must document the threat to the health or safety of a student that led to the disclosure, and to whom the disclosure was made.

- Substantiated cases of child abuse and neglect may be litigated in criminal court, family court, juvenile court, and other legal arenas. When these cases go to court, mandated reporters may be asked to provide testimony. You may receive a subpoena requiring you to appear in court to testify as to the context and content of the child's disclosure of abuse. It is important that you are familiar with your district's procedures for receiving and responding to subpoenas.

- As explained in Lesson Two, the Penal Code provides for mandated reporter's confidentiality as well as immunity from civil or criminal liability when making a legally mandated child abuse report. (P.C. 11172 (a)) However, remember that educators risk both criminal and civil liability for failure to report. In addition, educators who fail to report may also risk loss of their license or credential (E.C. 44421).

- After the investigation is completed or the matter reaches a final disposition, the investigating agency shall inform the mandated reporter of the results of the investigation and any action the agency is taking (P.C. 11170 (b) (2)). If you do not receive feedback within an appropriate period of time, you may contact the child protective agency and request general information about your report.

Lesson 3 - Child Abuse Central Index

- When you report abuse you create a "paper trail" that makes it easier to stop a repeat offender or to build a solid case against an offender. The California Department of Justice maintains a central repository of information about reported child abuse, called the Child Abuse Central Index, or CACI.

- CACI contains summary information from investigation reports submitted by law enforcement and child welfare departments on child abuse victims and suspected abusers. This information includes the suspect's and victim's names and personal characteristics, reporting agency, type of abuse, local agency file number, and date of report.

- CACI does not investigate reports of child abuse. It provides the following services to law enforcement and child welfare departments:

- Record Keeping: Searches, indexes, and files child abuse reports received from investigating child protective agencies (law enforcement, welfare, and probation)

- Search Capabilities: Searches the names of applicants for child care service licenses and employment to determine if they have a prior history of child abuse that may result in disqualification

- Notification: Notifies child welfare department of current victims and suspects with prior histories of child abuse

- Assistance: Provides assistance to appropriate persons and agencies concerning reporting and identification of child abuse

- Training: Conducts statewide training sessions on child abuse reporting for investigative agencies and persons required to make reports

Lesson 3 - Child Abuse Central Index

What is required?

- All child welfare departments (law enforcement, welfare, and probation) are required by law to file written reports of known or suspected cases of child abuse that are determined to be substantiated with the Child Abuse Central Index (CACI) in the Bureau of Criminal Information and Analysis, California Department of Justice (P.C. 11169). Due to recent changes in the law, unfounded AND inconclusive reports are not reported to the CACI. At the same time a child welfare department forwards a report to the CACI, it also must notify, in writing, the known or suspected abuser that he or she has been reported to the CACI.

After the Report is Made

After the report is received by the CACI, the name index is searched to determine whether there is a record of prior suspected abuse involving the victim or suspect, and the case is added to the CACI. The reporting law enforcement agency or local juvenile probation or welfare department is notified immediately of any prior child abuse investigation reports (P.C. 11170, [b]) An obvious history of abuse is not always easily spotted, because child abusers tend to move or to take their children to different doctors or hospitals for treatment of each new injury. However, reports that are determined to be substantiated are retained in the CACI for a minimum of ten years, whether or not any formal action is taken in the case, for the purpose of identifying a pattern of abuse not reflected in prior arrests or convictions. The CACI is vital to investigating agencies because it provides information on possible prior incidents for purposes of early identification and intervention, or licensing action.

Notification of CACI

A child welfare department also must notify the CACI, in writing, of any case in which a prior report was submitted that is subsequently determined to be unfounded. If an "unfounded" report is filed, the initial report is removed from the index (P.C. 11169 [a]).

Lesson 3 - Practice Questions

- Practice Question 1
- Under CANRA, a mandated reporter is required to report suspected abuse to:

- A. His or her employer or supervisor
- B. Local child protective authorities
- C. The child's parents
- D. The California Department of Justice.

- Practice Question 2
- According to CANRA, a Mandated Reporter only needs "reasonable suspicion" to make a child abuse report.

- A. True
- B. False

- Practice Question 3
- Under FERPA, school records may be released without parental consent in cases of health and safety emergencies.

- A. True
- B. False

The Answers

- 1. B. Local child protective authorities
- 2. A. True
- 3. A. True

Lesson 4 - Special Situations

- This lesson will cover situations specific to educators, including reporting of colleagues.

- At the end of this lesson, you should:

- Be aware of Education Code provisions relevant to corporal punishment.
- Be aware of issues regarding physical contact with students.
- Know what to do if you suspect a colleague has done something that could be considered abusive or neglectful, and what may happen after a report is made.
- Understand how mandated reporting laws apply to charter schools and to children who are homeschooled.

Lesson 4 - Corporal Punishment

- In addition to the mandates of the Child Abuse Reporting Act, you should be aware of Education Code provisions relevant to corporal punishment: Click on the number to see the full Education Code.

- 44807. Educators may exercise reasonably necessary physical control over a pupil to maintain order, protect property, protect the health and safety of pupils, or maintain conditions conducive to learning.

- 49000. Children have the same protection against corporal punishment as adults.

- 49001 (a) "Corporal punishment" means the willful infliction of physical pain on a pupil. A reasonable amount of force used to quell a disturbance threatening physical injury to persons or damage to property, to obtain control of weapons or other dangerous objects, or in self-defense, is not construed as corporal punishment. Physical pain or discomfort caused by voluntary athletic competition or recreation is not construed as corporal punishment.

- 49001 (b) Educators may not inflict corporal punishment on a pupil. The Education Code's prohibition of corporal punishment supersedes any other authority.

- In summary, a reasonable degree of physical control, when necessary to maintain order or protect property, health and safety, is permitted. Corporal punishment never is.

Lesson 4 - Physical Contact With Students

- As adults in constant contact with children, educators must be aware of what is considered appropriate versus inappropriate physical contact with a child in everyday classroom interactions. Physical contact can be a positive gesture or affirmation when used appropriately. It is important to realize, however, that what is considered appropriate varies between individuals and is affected by such factors as age, gender, personal experience and cultural background. Touching is always a concern if it is done in secrecy or isolation from others or for the sexual gratification of the educator, and children need to be informed and empowered about what is appropriate and inappropriate touching.

Lesson 4 - Reporting Colleagues

- When a child is in school or involved in a school-related activity, teachers and other staff are responsible for the care of that child. If you become aware that a colleague has done something that could be considered abusive or neglectful, you are required to report your suspicions. As in other situations of suspected abuse or neglect, a disclosure by the child should always be reported so that the proper authorities can investigate the situation to determine the credibility of the allegations and identify additional victims. It is not appropriate, nor is it within the training or expertise of the educator, school principal, or other administrators, to investigate allegations of abuse prior to making the report. Penalties for failure to report apply to all situations of child maltreatment, regardless of the identity of the suspected perpetrator.

- While the educator's primary responsibility is to report to legal authorities, it is usually part of the established protocol to immediately notify the school administrator when a colleague is suspected of abuse. However, it is not appropriate to discuss the allegations with other staff members or with the suspect. The suspected abuser may be placed on administrative leave while the child protective agency and/or law enforcement conducts the investigation. If the abuse is substantiated, the perpetrator may face criminal charges in addition to loss of their license/credential.

Lesson 4 - Vignette

- You are the principal of an elementary school. The parent of one of your students contacts you because she is concerned about the behavior of her 10-year-old son's substitute teacher. She says that her son told her that, while getting help with his class work, he had to sit on the teacher's lap, and the teacher rubbed his back and thighs. She tells you that her son's friend complained of this as well, and that both boys initially refused but that the teacher insisted.

- What should you do?

- A. Make a suspected child abuse report.

- B. Talk with the teacher to find out if this is an accurate report.

- C. Question the students the next day at school.

- D. Nothing. The teacher is not part of your regular staff, and you don't want to raise concerns unnecessarily.

A. Make a suspected child abuse report.

- This answer is correct.
- The age and gender of the students, as well as their discomfort regarding the teacher's behavior, should alert you to potential abuse. In addition, making a report will give investigators the opportunity to explore the allegations and to identify other possible victims.

Lesson 4 - Responsibilities of Agencies Employing Mandated Reporters

- Any person entering employment that makes him or her a mandated reporter must sign a statement, provided and retained by the employer, to the effect that he or she has knowledge of the reporting law and will comply with its provisions (P.C. 11166.5 (a)). A form for this statement is available from your local child protective agency.

- Per AB-1432, effective January 1, 2015, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools are required to: (1) annually train employees and persons working on their behalf who are mandated reporters, as defined in Section 11165.7 of the Penal Code, using the online training module provided by the State Department of Social Services, or other training, as specified, on the mandated reporting requirements; and (2) develop a process for all persons required to receive training under the bill to provide proof of completing this training within the first 6 weeks of each school year or within 6 weeks of that person's employment.

Lesson 4 - Licensing Requirement

- The state agency issuing a license to a person who is required to report child abuse must either send a statement to the licensee when issuing the license explaining reporting requirements and the penalty for failure to report, or print the information on all application forms (P.C. 11166.5 (b) (c)).

- Effective January 1, 2015, when teachers apply for initial credentials or renewals, they will also be required to sign a statement acknowledging that they understand their reporting duties pursuant to the Child Abuse and Neglect Reporting Act. (E.C. 44252 (a)(2)(A)). As noted earlier, educators who fail to report suspected abuse or neglect may lose their license or credential.

- Charter schools are public schools organized by a group of parents, community leaders, and educators, and are usually sponsored by a public school governing board or county office of education. Although charter schools are generally exempt from most laws governing school districts, all laws regarding the need to report suspected child abuse apply equally to employees of charter schools. If a child stops attending a charter school program, this should be reported to the local school district that has jurisdiction.

- Home-Schooled Children
- In California, a child may be taught at home. For more detailed information about home schooling requirements click here. A home-schooled child who is suspected to be the victim of child abuse should be reported to child protective authorities. If the concern for the child regards the education he or she is receiving, the local school district should be contacted. Education Code section 48290 requires the governing board of any school district to make full and impartial investigation of all charges that a parent or guardian is violating any of California's compulsory education laws.

Lesson 5- Other Considerations

- This lesson covers situations that do not fit perfectly into the four categories of abuse as described by CANRA:
- •Domestic violence
- •Parental substance abuse.
- •Homeless children

- This lesson also addresses maltreatment of children with developmental disabilities. Although the exact numbers vary, there is consensus in the research that children with disabilities are more likely to be victims of abuse than their non-disabled peers. It is therefore especially important that educators be aware of the issues relevant to these children. In this module you will learn
- 1.Information regarding the incidence of abuse for this population
- 2.Risk factors specific to children with disabilities
- 3.Behavioral indicators of abuse for children who have disabilities
- 4.How to respond when you suspect a child-abuse victim has a disability and/or an identified disabled child has been victimized

Lesson 5- Domestic Violence

- When domestic violence results in direct physical injury to a child, a suspected child abuse report must be made. Even when domestic violence does not result in physical injury, children in homes where domestic violence occurs are also at risk due to exposure. Children who witness domestic violence tend to be more aggressive and anxious than children from non-violent homes, and are less likely to be successful in school and social activities. They are at higher risk for delinquent behavior, separation anxiety, developmental regression, and sleep problems, including nightmares. Children who have not observed the incident are usually aware of the violence even when others believe they were asleep or otherwise engaged, and it is important to ensure their safety, both physical and psychological.

- Although reports of domestic violence are not mandated in these situations, domestic violence may be reported as emotional abuse. Furthermore, because children are more likely to be subjected to abuse and neglect in homes where domestic violence occurs, a suspected child abuse report should be made in order to allow investigative agencies to conduct a thorough assessment.

Lesson 5- Parental Substance Abuse

- Children are more likely to be subjected to abuse and neglect in homes where substance abuse occurs. Children in these homes often suffer from a variety of physical, mental, and emotional health problems. In addition, increased stress and preoccupation with drugs or alcohol by the parent, combined with behavioral problems exhibited by the child, increases the risk for maltreatment.

- Another consequence of parental substance abuse is the exposure of children to these substances. This exposure can be either passive (e.g., when substances are smoked by caregivers in the presence of children), or intentional (e.g., when caregivers use drugs to sedate a child). Reporting to child protective services, though not mandated in cases of substance abuse, is strongly encouraged.

Lesson 5- Homeless Children

- It is estimated that there are hundreds of thousands of homeless children of school age in California. Many live in shelters, in run-down motels, with relatives, or with multiple families living in a single-family dwelling. They may appear unkempt and have poor attendance, nutrition and hygiene. They often fit the profile of an abused child but are rather the victims of economic conditions or personal family misfortunes.

- While economic disadvantage should not be confused with abuse, it is also true that homeless children may be subjected to environmental factors such as drug abuse, family violence, and multiple families sharing a dwelling, that put them at higher risk of abuse. If you become aware that there are homeless children among those with whom you have contact, it is appropriate to be particularly observant and attentive to these children, and supportive of the special challenges they face socially and academically.

- For more information about prevention or intervention resources available for students facing barriers to their education, visit the Counseling and Student Support Office website of the California Department of Education at http://www.cde.ca.gov/ls/cg.

Lesson 5- Children with Developmental Disabilities

- Although the exact numbers vary, there is consensus in the research that children with disabilities are more likely to be victims of abuse than their non-disabled peers. It is therefore especially important that mandated reporters be aware of the issues relevant to these children.

- Some educators interact daily with children who have disabilities, while others have only infrequent contact with these populations. Laws have been established which define disability and direct mandates for services. For more information about definitions of disability and related laws, click the links below.

Lesson 5- Incidence of Abuse

- Children with disabilities are more vulnerable and have greater needs for care than non-disabled children, putting them at higher risk for abuse and neglect. In a national study conducted in 1993, researchers found that children with disabilities were 1.7 times more likely to be maltreated than their non-disabled peers. (Crosse et. al., 1993). Sullivan and Knutson (2000) found that children with disabilities are 3.44 times more likely to be maltreated when compared to children without disabilities. Although the numbers vary, other studies have consistently found an increased incidence of maltreatment for children with disabilities.

Lesson 5- Types of Abuse

- Studies have attempted to explore the relationship between disability and type of abuse. Though results vary, neglect has been found to be the most prevalent form of maltreatment for this population, as well as for children who are not identified as having a disability. Sullivan and Knutson (2000) also found that children with disabilities were more likely than their non-disabled peers to suffer multiple incidents as well as multiple forms of maltreatment. Be aware that children with behavioral challenges may be at higher risk for physical abuse, as caregivers may have unrealistic expectations and become frustrated. It is crucial that those caring for children with behavioral disorders be educated about the child's needs and limitations. Education is also important in order to ensure that a child's special health care and educational needs are being met.

- As with the non-disabled population, perpetrators of child maltreatment are most often family members, or others who are known to and trusted by the child and/or family. Because children with disabilities are more likely to be exposed to multiple caregivers, both in and outside the family, they are also exposed to more potentially abusive situations.

Lesson 5- Hidden Disabilities

- Educators working with children should be alert for the existence of disabilities that have not been previously identified, either because they are not visible or because behavioral indicators have been overlooked or misattributed. In addition, all child abuse victims should be evaluated for disabilities.

Completed