

# Reporting Child Abuse or Neglect



## Policy Q & A

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This policy Q & A addresses the topics related to the legal requirements for reporting child abuse and neglect.

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## What is child abuse?

Abuse is committed when one:

“...knowingly, intentionally or negligently causing or permitting a minor child to be: (a) placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; (e) placed in a situation to be sexually abused (as defined in 28-319, 28-319.91, or 38.320.01); or (f) placed in a situation to be a trafficking victim (as defined in section 28-830)” (Neb. Rev. Stat § 28-707).

There are three main types of abuse: physical, emotional, and sexual. Each of these types are further discussed and defined below.

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## What is child neglect?

Neglect is the failure of a parent or guardian to care for a child and provide basic needs (childwelfare.gov). This type of maltreatment can be physical, medical, educational, or emotional. Neglect sometimes is a product of the family’s culture, community standards, and poverty level. Thus, in the case where the parents’ actions stem from a lack of resources, it is critical that the witness or reporter still report the incident so that the family can be put in touch with necessary resources to alleviate the situation.

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## What are the different types of child abuse?

Child abuse pertains to children, which is any person under the age of 18, or 19 in the state of Nebraska.

**Physical Abuse.** The first type of abuse is physical. Physical abuse is defined as any non-accidental injury that is inflicted upon a child by a caregiver or other person responsible for the child; this might also include injuries from siblings if the parent/guardian is not taking action to stop this behavior. These injuries can range from scratches to broken bones and is considered abuse regardless of the intent to hurt the child (Child Welfare, 2013; Child Abuse and Neglect 101, 2014).

**Emotional Abuse.** The second type of abuse is emotional, which is the most difficult type to discern (Child Abuse and Neglect 101, 2014). This type of abuse includes a pattern of

behavior that diminishes a child's self-worth, self-esteem, and/or emotional development (Child Welfare, 2013). Examples of this type of behavior might include constant criticism, threats, rejection, or a lack of love, support and guidance (Child Welfare, 2013). Indicators of this type of abuse include evidence of any other type of maltreatment and evidence of mental health and physical disorders.

**Sexual Abuse.** The third type of abuse is sexual abuse, which is also known as invisible abuse because there often are not any physical signs of such abuse (Child Abuse and Neglect 101, 2014). In 80% of reported cases of sexual abuse, the victim will deny, minimize, or recant the event; however, it is important to note that children lie about this type of abuse <1% of the time, so when a claim is made it should be taken very seriously (Child Abuse and Neglect 101, 2014). Physical abuse includes fondling the child, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution and/or pornographic materials (Child Welfare, 2014). Some physical indicators of sexual abuse include sexual knowledge and behaviors that are not age appropriate, unexplainable physical complaints in the genital area, sudden changes in behaviors and/or routines, and secretive behavior (Child Abuse and Neglect 101, 2014).

**Indicators.** It is important to make a note about these potential indicators of abuse. Because many of these indicators are common for children (e.g., scratches, bruises, changes in behavior) it is important to ask the child information surrounding the potential indicator to ensure that there is not another explanation. However, use judgment about the story and the injury to ensure that they make logical sense and could be correlated (e.g., a child with a black eye who says that he fell over on his bike is not likely, but scratches or lacerations with that same story might be logical).

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### What are different types of neglect?

There are two main types of neglect: emotional and physical. However, there are two other types of neglect that are not as common but should be tended to just as seriously, which are medical and educational.

**Emotional Neglect.** The first type, emotional neglect, occurs when the parent does not give the child chances to feel loved or secure, displayed by a general disregard for the child's emotional needs (Child Welfare, 2014). Evidence of this type of neglect might include extreme behaviors, demonstrating inappropriate adult or infantile behavior, delays in emotional development, and/or lacking attachment to the parent.

**Physical Neglect.** The second type, physical neglect, occurs when basic needs (such as food, shelter, and supervision) are absent. Evidence of this type of neglect might include begging for food or money, stealing, poor hygiene, and statements that indicate a lack of

supervision or parents being absent frequently (Child Abuse and Neglect 101, 2014; Child Welfare, 2013).

**Medical Neglect.** The third type of neglect is medical, which includes a failure to provide necessary medical, mental health, or dental treatment for children (Child Welfare, 2013). This type of neglect could occur through child complaints of tooth pain or any physical injury that has gone without medical attention for an extended period of time. This is a prime example of neglect that might be a product of the culture, community, or poverty level of the family. In this situation it is helpful to report such incidents in order to put the family in touch with resources to help them and their children fulfill their medical needs.

**Educational Neglect.** Finally, educational neglect is evident through lack of student education, either home school or formal education. This type of neglect is indicated by numerous absences, failure to enroll the student in school, and/or refusal to attend to special education needs of the child (Child Welfare, 2013).

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### **What are some indicators a child may be experiencing abuse?**

Physical abuse indicators include unexplained bruises and welts, unexplained burns, wariness of adult contact, being afraid to go home, and aggressiveness or withdrawal. Sexual abuse indicators include difficulty in walking or sitting, torn, stained, or bloody undergarments, pain or itching in the genital area, venereal diseases, or pregnancy, unwillingness to change clothes, infantile behavior, and bizarre or unusual sexual behavior or knowledge. This list is by no means exhaustive and may not encompass an individual child's reaction to their abuse.

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### **What are some indicators a child may be experiencing neglect?**

Emotional maltreatment indicators include habit or conduct disorders, neurotic traits, or psychoneurotic reactions, and development lags. Physical neglect indicators include consistent hunger, poor hygiene, and inappropriate dress. This list is by no means exhaustive and may not encompass an individual child's reaction to their abuse.

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### **How do I report child abuse or neglect?**

There are several ways to report child abuse or neglect.

**Hotline Reporting.** The child abuse/neglect hotline for Nebraska is 1-800-652-1999 and other states have their own statewide hotline.

**Social Services or Police Reporting.** In each state you can call the police or state department of human services as well. Call your local office of the Nebraska Department of

Health and Human Services, or the state office at 402- 471-3121. (For Nebraska) or the local police in your community.

**Reporting Abuse or Neglect in a School Setting.** When reporting these incidents in the school, there is often a standard report form that the administration and school personnel follow. If you do not have all of the information requested on the form, provide what information you do have, and simply indicate that you do not know the answer to the other questions. You do not have to have complete information to make a report.

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### **What information will be sought and how should I prepare to make a report?**

Regardless of which number you call to make a report they will generally request information about who is calling (not required), what you observed or suspect, when the incident or incidents occurred, and where they occurred (at home or at school/church/daycare). They may ask for names, birthdays, and addresses of the victim(s), and the names of parents or guardians of that child, as well as the names of suspected perpetrators. They will also want to know the names of all who reside in the home especially the names of other children in the home, if the abuse is suspected to occur there. Specifically, they will want information regarding what signs of abuse or neglect lead to your report, and whether others may have observed these signs as well. (Child Abuse and Neglect 101, 2014).

Since this type of detailed information will be requested, you are advised to gather all information in written notes so that you can communicate this information easily and as completely as possible on the phone.

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### **Is my report confidential?**

Your report is confidential and your name will not be released to anyone. Reports can be made anonymously although providing your name is helpful to authorities.

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### **How certain do I have to be that abuse is occurring before I make a report?**

You do not have to be certain at all. There is no requirement to have proof, only a reasonable cause to believe that abuse or neglect has occurred.

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### **What do you mean when you say “reasonable cause to believe” abuse or neglect has occurred?**

All that is necessary is “suspicion” to believe that either abuse or neglect has occurred. This suspicion should be based on the types of indicators described earlier. It is ideal to document

these indicators by date and time they were observed. Although not required, this documentation might include photos of injuries, and descriptions of comments by the children or others potentially involved.

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### **Who is required to report child abuse under Nebraska law?**

Under Nebraska law, anyone who has reasonable cause to believe a child is being mistreated is mandated to report the suspected abuse or neglect. More information can be found at [NE Child Abuse Reporting](#).

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### **Who are “mandatory reporters” of child abuse and neglect, and what does that mean?**

Forty-eight states designate human service “professionals” as mandatory reporters, including Nebraska. This means that certain professionals are held responsible for reporting abuse in particular environments such as schools, preschools, and hospitals. Specific examples of these professionals includes social workers, teachers, principals, and other school personnel, physicians, nurses, and other health-care workers, counselors, therapists, and other mental health professionals, child care providers, medical examiners or coroners, and law enforcement officers. While this list includes many of the individuals required by law to report suspected abuse/neglect, this list is not exhaustive, and you should check your state to see who is included in mandatory reporting laws in your state. [Childwelfare.gov](#) is a resource on this topic.

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### **What are the penalties for not reporting child abuse/neglect?**

In Nebraska, failure to report child abuse/neglect is a class III misdemeanor, which carries a maximum sentence of three months’ imprisonment, a \$500 fine, or both.

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### **Can I be sued if I report abuse and it is later found not to have occurred?**

The person making a report is not liable for any type of lawsuit so as long as the report is made in good faith, is based on reasonable suspicion, and made without any malice towards the any of those involved.

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### **What is a multidisciplinary approach to reporting and dealing with child abuse/neglect?**

A multidisciplinary approach uses people with a range of experiences to come together to form a team to help the child. Members of the team need to understand what other members are trying to accomplish and how their activities interrelate. For example, law enforcement should

consider how its investigation might traumatize a child. Child protective service workers, physicians, and therapists need to understand that their treatment and evaluation techniques might hinder or damage law enforcement's investigation. Although differences in opinion are to be expected, effective teamwork relies on a mutually agreed upon and open mechanism for discussing and resolving differences. Ongoing discussions of priorities and problems during investigations will also help mitigate any damage that these differences may cause while clarifying the roles and responsibilities of team members.

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### **How is the report investigated?**

Over the years, the process of following up on reports has changed a great deal. Children involved in abuse/neglect reports used to be interviewed anywhere between 15 and 17 times before legal action was taken (Child Abuse and Neglect 101, 2014). However, with the advent of Child Advocacy Centers (described below), this process has been narrowed considerably and has been tailored to be a more child-friendly situation. Instead of having the child report to the teacher, principal, nurse, police officer, hospital workers, detectives, CPS workers, and lawyers, the child is now taken immediately to a CAC upon revealing any abuse/neglect to teacher or school staff member. Upon arrival at the CAC, the child is allowed to play with toys until a forensic interviewer is available to professionally interview the child. During this interview, a detective and CPS worker observe from a 1-way mirror in order to reduce the total number of times the student must recall the event(s) (Child Abuse and Neglect 101, 2014).

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### **What happens when a report of child abuse or neglect is made?**

After a report is filed and a comprehensive assessment is done, a child welfare worker will then evaluate the findings and decide what kind of intervention is necessary. "Interventions are dependent on the severity of the circumstances and may include voluntary assistance and services, court-ordered supervision and services, out-of-home placement and -- as a last and complicated intervention -- termination of parental rights." (American Humane Society, 2013)

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### **Can I find out about the progress or results of the investigation?**

Due to confidentiality reasons, you will most likely not receive information about the progress on or outcome of the investigation. However, if you are a mandatory reporter, you may request information regarding the status of your report, and sometimes some information may be provided to you.

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### **What are Child Advocacy Centers?**

Nation wide, there are roughly 800 Child Advocacy Centers with 7 serving the state of Nebraska. Child Advocacy Centers provide evaluation and programs for children and non-offending caregivers involved in child abuse or neglect. These centers were developed to reduce the trauma associated with abuse/neglect, seek justice, and instill hope. These centers also provide families with low cost services and aim to put families in touch with any resources necessary to recover from the traumatic event(s). These centers primarily serve all children (under 18) who are alleged victims of sexual abuse, physical abuse, and violent crimes including domestic violence and homicide, kidnapping, and/or exposure to possession or use of illegal drugs. Through the use of various experts (i.e., forensic interviewers, medical professionals, professional training, mental health services, and child advocates) these centers provide services to any individuals in need related to abuse or neglect.

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### **If I make a report, which is substantiated, will the child be removed from the home?**

After the initial evaluation, if the child is seen to be in immediate danger or the home environment is not determined to be safe, the child will be placed in an alternate home until more information can be gathered. However, if the disclosed event does not put the child in immediate danger in the home environment, then he/she will be allowed to return to that home/placement immediately after the evaluation.

“If a court orders the child to be removed from the home and placed under the supervision of the child welfare agency, two important federal laws come to bear. Both the Adoption and Safe Families Act of 1997 (P. L. 105-89) and the Adoption Assistance and Child Welfare Act of 1980 (P. L. 96-272) legally mandate child welfare workers to make “reasonable efforts” to reunite the family whenever possible and establish timeframes for achieving this goal or another permanency solution.” (American Humane Society, 2013).

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### **Where can I find more resources?**

[American Humane](#)

[Fact Sheet – Reporting Child Abuse and Neglect. \(2013\).](#)

<http://www.americanhumane.org/children/stop-child-abuse/fact-sheets/reporting-child-abuse-and-neglect.html>

[Children's Omaha](#)

[Mandatory Reporters of Child Abuse/Neglect](#)

[National Children's Advocacy Center](#)

[Law Enforcement Response to Child Abuse](#)

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### **Reference**



American Humane Society. (2013). Reporting child abuse and neglect.  
<http://www.americanhumane.org/children/stop-child-abuse/fact-sheets/reporting-child-abuse-and-neglect.html>.)

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