

# Child Abuse and Neglect



## Should I Report This?

For Community Professionals Who are  
Required to Report Suspected  
Child Abuse and Neglect

*Provided by:* The North Dakota Department of Human Services  
Children and Family Services Division  
Child Protection Services

## **What is the Purpose of the Child Abuse Reporting Law?**

**T**he purpose of the North Dakota Child Protection law is to protect the health and welfare of children by encouraging the reporting of suspected child abuse and neglect. Providing adequate services for the protection and treatment of abused and neglected children to protect them from further harm completes this purpose. In order to protect children, the law requires certain persons in the community, who may have frequent contact with children and their families, and who are in a position to identify child abuse and neglect, to report it.

As with any social issue, child abuse and neglect is a problem for the whole community and achieving the goals of protective services requires the coordination of many resources. Each professional group and agency involved with a family assumes responsibility for specific elements of the Child Protection Service (CPS) process. CPS works closely with physicians, nurses, educators, mental health practitioners, child care providers, law enforcement agencies, the judiciary, and others. These parties are involved in the identification, reporting, assessment and treatment of families where child maltreatment is suspected.

*“child abuse and neglect is a problem for the whole community”*

## Who Must Report?

**U**nder North Dakota law (NDCC 50-25.1-03), “any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical or mental health professional, religious practitioner of the healing arts, school-teacher or administrator, school counselor, social worker, day care center or any other child care worker, police or law enforcement officer, or clergy” who has “**knowledge of or reasonable cause to suspect** that a child is abused or neglected, or has died as a result of abuse or neglect, **shall report**”, if the knowledge or suspicion is derived from information received by that person in that person’s official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual advisor.

As a person required to report suspected child abuse or neglect, or “mandated reporter”, you must make a report if you have knowledge of a child in your professional capacity, or within the scope of your employment, who you know or suspect has been the victim of child abuse or neglect.

However, the law also provides that **any person** having **reasonable cause to suspect** that a child is abused or neglected, or has died as a result of abuse or neglect, **may report**.

## What Must be Reported?

**N**orth Dakota law defines an **abused child** as a person, under the age of 18 who is “suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the child’s welfare”, or who is suffering from or was subjected to any act of child sexual abuse.

Our law also defines “Harm” to mean, “negative changes in a child’s health which occur when a **person responsible for a child’s welfare**:

- a. Inflicts or allows to be inflicted, upon the child, physical or mental injury, including injuries sustained as a result of excessive corporal punishment, or*
- b. Commits or allows to be committed, or conspires to commit, against the child, a sex offense as defined in NDCC Chapter 12.1-20.”*

A neglected child is without parental care or control, subsistence, education as required by law, or other care or control necessary for the child’s physical, mental or emotional health, or morals and the deprivation is not due primarily to the lack of financial means of the child’s parents, guardian, or other custodian.

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***abused child*** - *a person, under the age of 18 who is “suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the child’s welfare...”*



## How Do I Make A Report of Suspected Child Abuse or Neglect?

All reports of suspected child abuse or neglect should be made to the office of county social services where the child is present. Reports can be made to any county social service office or to any of the state's eight human service centers and will be directed to the responsible agency.

Reports can be made in person, by telephone, or in writing. Written reports can be made using a state reporting form, called a '960'. These forms are available from all county social service offices and on the internet at: <http://www.state.nd.us/eforms>.

When making a report, be sure to include all relevant identifying information, such as the names of both victims and subjects (persons suspected of harming a child); birth dates or ages of all the children involved, parents' names and addresses; and as much specific information as you know.



If you suspect that a child has been or is being abused or neglected, report it.

## What if I'm Not Sure?

If you suspect that a child has been or is being abused or neglected, report it. It is better to make your concerns known than to remain silent and possibly allow a child to remain unprotected. If you are uncertain whether your information is reportable, you may consult with your county social service office, child protection social worker.

It is not required to report the suspicions of a third party, or any other occurrence, if, using your professional judgment, you do not suspect that child abuse or neglect occurred.

*A report is a statement that someone is concerned for a child's welfare.*

## Is There Liability in Reporting?

According to our law, any person, other than the subject of a report, who participates "in good faith" in reporting, assisting in an assessment, furnishing information or providing protective services is immune from civil or criminal liability. The law also states that the "good faith" of a person who is required to report must be presumed.

## **What if I Don't Report?**

**A**ccording to the North Dakota Century Code (50-25.1-13), any person required by law to report known or suspected cases of child abuse or neglect and who willfully fails to report, is guilty of a class **B** misdemeanor.

## **What if the Abuse Occurred in the Past?**

**A**ny case of suspected child abuse or neglect, where the victim is under 18, must be reported, even if the event occurred in the past.

The social service agency will evaluate the situation to determine whether an assessment is warranted at the time of your report.

## **Can I Make a Report Anonymously?**

**A**nonymous reports are accepted and assessed as any other report. However, as a professional who may already be working to support the family, and who is required to make reports, it is hoped you would join with the CPS system and the community to provide protection for children. An unwillingness to provide input and follow-up support for families can adversely affect the outcome for children and limit the effectiveness of the system's response.

## **Should I Tell the Parents That I Need to Make a CPS Report?**

**T**his can be a difficult decision. Of course, if a child is in immediate danger, call the police immediately, and do not tell the parent. In most instances, however, the report will involve a parent you know and care for and the child will not be in immediate danger.

Reporters are also concerned about a family's reaction when told a report must be made. Telling parents will frequently bring out a hostile, angry display of feelings. However, if you fail to inform them, they may feel deceived. Families most frequently express considerably more anger and mistrust when they believe someone has "gone behind their back" in making reports to CPS. If you wish to maintain a working relationship with them, you should consider informing them you have had to make a report.

You might start by explaining that, as a mandated reporter, the law does not always give you a choice. Explain that the reporting process does not always go smoothly, but that you care about the family and will do everything you can do to see that they receive help. Let the parent know that their problem is not unique and that you believe this is a problem which can be solved. If you can continue to work with them, the likelihood of preventing further abuse is greatly increased.



There are occasions when it is not advised to contact parents before reporting. These instances include situations where the child's safety would be jeopardized by the parents' knowing the child disclosed information to you, or when you believe the parent might disappear with the child.

Other situations in which it is ill advised to inform a parent is when the abuse incident in the report might constitute a crime, such as serious physical abuse, or sexual abuse. Telling the parent can seriously undermine a criminal investigation.

It may be helpful to discuss your decision to inform the parents with the CPS social worker before contacting the family.



*Let the parent know that their problem is not unique and that you believe this is a problem which can be solved.*

## Will a Child be Removed From the Home as a Result of a Report?

Unless a child is in danger and cannot be protected in the home, the goal of CPS is to keep a family together. If a child is in immediate danger, the child may be placed in protective custody by the court.

Children may be placed in temporary protective custody or shelter care only by order of the court. Police officers and physicians also have limited authority to take emergency custody of children in immediate danger. Social workers may act in emergency situations only under an order of the court .



*The goal of CPS is to protect the child and to strengthen the Family.*

## Will the Family be Told Who Made the Report?

**N**orth Dakota law protects the identity of persons making reports of suspected child abuse and neglect. Social service agencies must keep identifying information confidential.

In some instances, despite the social worker's best efforts to maintain confidentiality, families may be able to deduce the identity of the reporter. If the case is brought into court, the identity of the reporter may be revealed during court proceedings. Police reports are also considered public records in most cases and family members may access certain information in this way, as well.



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## What Will Happen After a Report is Made?

Generally, reports of suspected child abuse or neglect are assigned to a social worker, who will conduct: a safety assessment to determine the threat of immediate harm to children and the necessary steps to protect them; a risk assessment to estimate the possibility of future abuse or neglect and; and a family strengths/needs assessment to help determine the need for services.

Social workers will use a variety of methods to conduct the assessment, including interviews with the children, parents and others who have knowledge of the incident or family functioning. Social workers may also request records from other agencies to document the information gathered in the assessment process. According to the child abuse and neglect law, upon the completion of the assessment of the initial report of child abuse or neglect, a decision must be made whether services are required to provide for the protection and treatment of an abused or neglected child. In most counties, multidisciplinary community teams assist with this decision making.



*Risk Assessment*

*Safety Assessment*

*Family strengths/needs Assessment*



## Can I Find Out the Result of the Assessment ?

Persons who are required, under the law, to make reports of suspected child abuse and neglect can receive information about the decision made as the result of the assessment, if the child victim of the report is likely or continues to come before the reporter in the reporter's official or professional capacity. You can contact the social service agency and request the information, or ask to speak directly with the social worker who conducted the assessment.

## What are Some Common Types of Child Maltreatment?

### *Abuse:*

*Acts of Commission* - Any act which, regardless of intent, **results in a non-accidental injury**. Inflicted physical injury most often represents unreasonably severe corporal punishment. This usually happens when a caregiver is frustrated or angry and strikes, shakes, or throws the child. Intentional deliberate assault such as burning, biting, cutting and twisting are also included.

### *Neglect:*

*Acts of Omission* - The failure to provide for a child's physical needs to the extent that there is **harm or risk of harm to the child's health or safety**. Physi-

cal neglect should not be confused with poverty. Neglect includes:

- † inadequate supervision
- † inadequate clothing or hygiene
- † inadequate nutrition
- † inadequate shelter
- † lack of medical care
- † failure to provide or assure education as described by state law

### *Psychological Maltreatment:*

The emotional consequences of patterns of behavior by a caregiver that involves rejecting, isolating, threatening, ignoring and/or exposing a child to negative influences, whether through acts of omission or commission.

These acts are judged to be inappropriate or damaging. Psychological maltreatment can be seen as a self-fulfilling prophecy. If a child is degraded enough, the child will begin to live up to the image communicated by the caregiver.

### *Sexual Abuse*

Sexual abuse involves sexual contact between a child and an adult or significantly older, more powerful person.

Sexual abuse may include other exploitative behaviors such as inappropriate verbal stimulation of a child by an adult, taking or showing sexually explicit photographs or exposing a child to pornography or adult sexual activity.

## Barriers to Reporting Child Abuse and Neglect

*“I am afraid the child’s situation will get worse.”*

- † fear that the parent will retaliate against the child
- † fear that the child will be removed from your care and ‘disappear’
- † doubts about a family’s ability to change (What good will it do?)

*“It won’t help anyway”*

- † fear of the unknown, and unfamiliarity with how the child protection system works
- † fear that the child or parents will receive inadequate or inappropriate ‘help’
- † distress about not receiving information on what happens after a report is made

*“I’ll bring problems on myself”*

- † fear of retaliation by the parent
- † pressure in tight-knit community against reporting a neighbor or friend or possible disbelief on the part of officials or ostracism by the community
- † fear that the name of the reporter can’t remain confidential because it might be apparent from the nature of the report who made it.

Mandated reporters must report regardless of their uncertainty. The law requires it. While reporting does not guarantee that the situation will improve, not reporting guarantees that if abuse or neglect exists, the child will continue to be at risk.

Sometimes potential reporters are convinced that nothing will be done if they report, so they don't report. If an incident of child abuse or neglect is reported, some action will occur. At the very least, reporting ensures that the social service agency is aware of your concerns and your legal obligation is fulfilled. If an incident is not reported, nothing will be done. Abused and neglected children cannot be protected unless they are identified.

Recognizing these barriers is a first step. Remember - you don't have to make the decision alone. You can enlist the help of other professionals in clarifying your thinking and drawing conclusions about a situation. The bottom line is the protection of a child and help for families.



To assure the safety and well-being of North Dakota's children, close cooperation is necessary between Child Protection Services and community professionals in the detection and treatment of child abuse and neglect. You, as community professionals are recognized and respected as a primary resource to the child protection process. you play a vital role in identifying and providing treatment for the abused or neglected child, as well as in supporting the child and his or her family through the, sometimes difficult, process of change. It is only by uniting in this caring and community partnership, that we can make a real difference in the lives of our children, families, and communities.

**“We can make a real difference in the lives of our children.”**



