Reporting Child Abuse: What Everyone at FIU Needs to Know

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Goals for this session:

- Become familiar with FIU policies and procedures on child abuse
- Learn more about the issue of child maltreatment (prevalence, signs/symptoms)
- Creating a culture of intolerance at FIU
- What is expected by Florida law and university policy in the event you learn about a case of child abuse.
Why Do I Need This Information?

- According to Florida Law you (as an educational institution employee) are a mandated reporter.

- There are fines and penalties for not abiding by your role as a mandated reporter.

- You may oversee programs that allow minor children onto the FIU campus (faculty in your division may be involved in work with minors).

- We should all be advocates for protecting children from harm.
Reason for Mandated Reporting Laws

• U.S. was the first country to establish laws and leads the world in abuse reporting laws *(Matthews & Kenny, 2008)*

• Many professionals come into contact regularly with minor children

• Children cannot advocate for themselves
The Problem of Child Maltreatment

Estimated **3.4 million referrals**, involving the alleged maltreatment of approximately **6.3 million children**, were received by child protection agencies in 2012.

Why the importance now?

- Jerry Sandusky was charged with 45 counts of sexual assault—many of which he committed on university grounds.

- Prior to these charges, he was seen as a champion of children, beyond question or challenge.

- Founded The Second Mile charity to help at-risk children find "life excellence," but Pennsylvania Attorney General Linda Kelly claimed he used the organization to find his victims.
Turning a Blind Eye

- The most saddening finding by the Special Investigative Counsel is the total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky’s child victims. As the Grand Jury similarly noted in its presentment, there was no “attempt to investigate, to identify Victim 2, or to protect that child or any others from similar conduct except as related to preventing its re-occurrence on University property.”

(Freeh report, 2012)
A Glimpse of What Happened

• Victim 1 (age 11) testified that Sandusky performed oral sex on him more than 20 times through 2007 and early 2008.

• Eye witness saw a naked boy, Victim 2, (age 10) in the shower with his hands up against the wall, being subjected to anal intercourse by a naked Sandusky.

• Victim 4 (age 12) testified Sandusky would kiss his inner thighs and genitals, rub his genitals on Victim 4's face and inserting his erect penis in Victim 4's mouth; on occasion this would result in Sandusky ejaculating.

(Grand jury testimony)
Education, awareness and intolerance for abuse can help uncover the blind eye
Florida Child Abuse Laws

Code Section 39.202, 205; 39.201; 39.01(2)

- **What Constitutes Abuse:**
  - Willful or threatened act resulting in physical, mental, or sexual injury or harm, causing or likely to cause impairment of physical, mental, or emotional health

- **Mandatory Reporting Required By:**
  - Physicians, mental health professionals, spiritual practitioners, school teachers, social workers, law enforcement officers, judges

- **Basis of Report of Abuse/neglect:**
  - One who knows or has reasonable *cause to suspect* neglect, abuse, or abandonment

- **To Whom Reported:**
  - Department of Children and Family Services (DCF)

- **Penalty for Failure to Report or False Reporting:**
  - Third degree felony
Types of Maltreatment

- Maltreatment, or abuse, can fall under 5 categories:
  1. Neglect
  2. Physical abuse
  3. Sexual abuse
  4. Emotional/psychological abuse
  5. Abandonment
Neglect

• Neglect is the chronic failure of a parent or caregiver to meet the basic needs of a child under 18. Some of the basic needs include food, clothing, and shelter.

• Less commonly known necessities that must be provided are:
  • medical care
  • educational opportunities
  • protection
  • supervision
Neglect

Citation: Ann. Stat. § 39.01

'Neglect' occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment; or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.
Physical Abuse

- Any non-accidental injury that results from acts on the part of the child's caretaker.

- Common examples of physical abuse:
  - beatings
  - shakings
  - human bites
  - strangulation
  - immersion in scalding water
Citation: Ann. Stat. § 39.01

- Uses inappropriate or excessively harsh discipline that is likely to result in physical injury, mental injury as defined in this section, or emotional injury

- Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child

- Exposes a child to a controlled substance or alcohol
Sexual Abuse

- The exploitation of a child or adolescent for the sexual gratification of another person.

- Common examples of sexual abuse:
  - Rape
  - Fondling/ molestation
  - Exposure of child to sexually illicit material
  - Sexual exploitation of children
  - Incest
  - Producing any visual depiction of sexual conduct with child
Sexual Abuse/Exploitation

Citation: Ann. Stat. § 39.01

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen

- Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person

- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, not including any act intended for a valid medical purpose
Sexual Abuse

- The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, not including:
  - An act that may reasonably be construed to be a normal caregiver responsibility or any interaction with or affection for a child
  - An act intended for a valid medical purpose
- The intentional masturbation of the perpetrator's genitals in the presence of a child
- The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose
- The sexual exploitation of a child, including allowing, encouraging, or forcing a child to solicit for or engage in prostitution or engage in a sexual performance
Emotional/Psychological Abuse

- Consistent failure of a parent to provide the appropriate support, attention, and affection necessary for a child to develop social competence, intellectually and emotionally.

- Common examples of emotional abuse:
  - verbal assault
  - belittling, humiliating, and ridiculing
  - not giving the child enough attention
  - providing only conditional love
  - being cold and remote
  - isolating the child from friends or interesting activities
Emotional Abuse
Citation: Ann. Stat. § 39.01

'Mental injury' means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.
'Abandoned' or 'abandonment' occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this subsection, 'establish or maintain a substantial and positive relationship' includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child.
Abandonment

- The term does not include a surrendered newborn infant as described in § 383.50, a 'child in need of services' or a 'family in need of services' as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.
Who is a mandated reporter in Florida?

- Professionals Required to Report, Citation: Ann. Stat. § 39.201

The following persons are mandated reporters: Physicians, osteopaths, medical examiners, chiropractors, nurses, or hospital personnel

- Other health or mental health professionals

- Practitioners who rely solely on spiritual means for healing

- Teachers or other school officials or personnel

- Social workers, daycare center workers, or other professional child care, foster care, residential, or institutional workers

- Law enforcement officers or judges
Any person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected shall report.
Change to Florida Law-Protection of Vulnerable Persons Act, Effective October 1, 2012

- Reporting Obligation.

- Each university administrator and law enforcement personnel who receives information from university faculty, staff or other employees of known or suspected child abuse, abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university is required to report such information to the Florida Department of Children and Family Services.
When do I report?

Standards for Reporting, Citation: Ann. Stat. § 39.201

A report is required when a person knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected.

- The Florida Abuse Hotline will accept a report when:
  - There is reasonable cause to suspect that a child who can be located in Florida, or is temporarily out of the state but expected to return in the immediate future, has been harmed or is believed to be threatened with harm from a person responsible for the care of the child.
Definition of Caretaker Responsible (for Child):

- Every child should expect to be safe and protected when in the care of:
  - a PARENT, even if the parent is a minor; or
  - a LEGAL CUSTODIAN; or
  - an ADULT HOUSEHOLD MEMBER found in the home continually or at regular intervals; or
  - ANOTHER ADULT who has been entrusted with, or voluntarily assumed responsibility for the care of the child; or
  - ANOTHER CHILD who is an employee or volunteer of a daycare, public or private school, agency, summer camp or similar facility when given sole responsibility for the care of the child.
  - ANY OTHER ADULT

http://www.dcf.state.fl.us/programs/abuse/definitions.shtml
Child Abuse Report Decision-Making

Figure 8.1. Child abuse report decision-making tree. Adapted with permission from Southard and Gross (1982).

(Kalichman, 1999)
Your role

- It is not your job to collect data, facts, photos or evidence.
- You do not have to conduct interviews or assessments.
- You must report.
When You Don’t Know if it is Maltreatment  *(Wheeler & Bertram, 2012)*

- Call DCF or speak to a supervisor; give the relevant facts without identifying information
- If DCF confirms that it is a reportable situation, you can then provide the identifying details, thus making a good-faith report
- Consult Florida child abuse law
How to Report

• Call 1-800-96-ABUSE

• Fax report to 1-800-914-0004

• Online reporting:
  
  http://www.dcf.state.fl.us/abuse/howtoreport.shtml
When Reporting

• You will be asked to provide:
  • child's name and contact information
  • information on suspected abuse
  • reason for suspicion (as detailed as possible)
  • details (including quotes of child's disclosure)
  • suspected perpetrator's name
  • information regarding parents

• Make sure to:
  • describe the situation clearly and include all the information that you have (e.g. names, date of birth, address, etc.).
  • share any knowledge of previous incidents including the nature and extent.
  • include all reactions of the child.
  • communicate any sense of urgency you observe
  • give your name (which remains confidential).
Content of Reports

- **Citation:** Fla. Stat. Ann. §§ 39.201; 39.301
  
The child protective investigation shall gather the following information:
  - The composition of the family or household, including the name, address, date of birth, Social Security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household
  - Indications that any child in the family or household has been abused, abandoned, or neglected; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof
  - The person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, Social Security number, sex, and race of each such person
Remember

- You are making the report to *protect the child from future harm*
- You are making *the report on the child victim* but also, on the alleged perpetrator if known
DCF Fax Form

FLORIDA ABUSE HOTLINE Fax Transmittal Form
To Report Abuse/Neglect/Threatened Harm/Exploitation
Fax Number: 1-800-914-0004

TO LEARN MORE ABOUT REPORTING ABUSE, READ THE DEPARTMENT OF CHILDREN AND FAMILIES BROCHURE:
REPORTING ABUSE OF CHILDREN AND VULNERABLE ADULTS.

REPORTER INFORMATION
This information is required for professionally mandated reporters – please refer to Chapter 39, Florida Statutes.

Your Last Name: __________________________ Your First Name: __________________________ Today’s Date: __________________________

Your Occupation: __________________________ Your Agency: __________________________ Fax #: __________________________ Phone #: __________________________

Work Address: __________________________ City: __________________________ Zip Code: __________________________ County: __________________________ State: __________________________

Alternate Contact Person: __________________________ Title: __________________________ Phone #: __________________________

Would you like to be notified as to whether or not an abuse report was accepted based on the information provided? □ Yes □ No
If yes, please indicate your preferred method of notification. □ Telephone or □ U. S. Mail

VICTIM INFORMATION
If the victim is a child, list other children and adult household members in the home. If any household members have a disability, describe the disability in the DESCRIPTION OF INCIDENT section on page 2; if the victim is an adult, include how his/her ability to care for or protect self is impaired.

Current Location/Address: __________________________ City: __________________________ Zip Code: __________________________ County: __________________________ State: __________________________

Home Address: __________________________ Apt/Lot#: __________________________ City: __________________________ Zip Code: __________________________ County: __________________________ State: __________________________

Home Phone: __________________________ Work Phone: __________________________ Cell Phone: __________________________

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<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>DOB</th>
<th>SEX</th>
<th>RACE</th>
<th>SSN</th>
<th>IS THIS PERSON A VICTIM?</th>
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PERSON(S) RESPONSIBLE FOR ALLEGED ABUSE, NEGLECT, ABANDONMENT OR EXPLOITATION

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Revised 03/2006

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CONFIDENTIAL
**FLORIDA ABUSE HOTLINE Fax Transmittal Form**

**DESCRIPTION OF INCIDENT**
Please describe what happened, when and where the incident occurred, the frequency of occurrence, and a description of injuries and/or threat of harm.

**WHAT happened?**

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**WHEN and WHERE did the incident occur?**

- Does anyone in the household have any disabilities?
- Are there any dangers to a protective investigator?
- Additional Addresses (e.g. day-care, school, etc.):
- Description of injuries/threat of harm:

**FOR ADULT VICTIMS ONLY:** Describe how the adult victim’s ability to care for or protect self is impaired.

**OTHER INDIVIDUALS**
Please list others who might be aware of the abuse/abandonment/neglect/exploitation of the victim.

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<tr>
<th>NAME</th>
<th>RELATIONSHIP TO THE VICTIM</th>
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**DO NOT SEND COPIES OF MEDICAL NOTES, CASE FILES, ARREST REPORTS, OR SIMILAR DOCUMENTS.**

Revised 03/2006
Events Following an Abuse Report

(Kalichman, 1999)
Reasonable Suspicion and Preponderance of Abuse Evidence

Figure 7.4. Reasonable suspicion and preponderance of evidence in relation to child abuse reporting.

(Kalichman, 1999)
Criteria for Report Acceptance

- Child is under age 18
- Allegations (if true) must meet definition of abuse or neglect in each state
- Reasonable cause to suspect the harm (or the threat of) was caused by abuse or neglect
- Alleged abuser must be a parent, adult household member, other person responsible for the child’s welfare, or any other person
Immunity- Good Faith Reporting

• To encourage more liberal reporting of child abuse, the state gives both criminal and civil immunity to those who report instances of suspected abuse.

• Statute:
Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency shall be immune from any civil or criminal liability which might otherwise result by reason of such action. Nothing contained in the reporting laws shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

• Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of making a report.

Failure to Report is Common

- About 40% of mandated professionals have failed to report child maltreatment at some point in their careers, and 6% consistently fail to report (Besharov, 1994; Camblin & Prout, 1983; Kenny & McEachern, 2002; Levine, 1983; Zellman, 1990a, 1990b)

- Unreported cases of child neglect and abuse are not given the opportunity to receive necessary intervention services (Alvarez et al., 2004)

- Failure to report can lead to serious legal consequences for the professional
Why Professionals Fail to Report

- Believe “It is not my job”
- Fear of losing rapport/trust with child and family
- Not wanting to get involved in “family” matters
- Lack of knowledge of the process of reporting child abuse and neglect/no training
- Fear negative consequences for self (e.g., lawsuit)
- Fear that the report will not be accepted and no action will be taken.
- Fear negative consequences for the alleged victim (e.g., family perpetrator may harm child)
- Fear negative consequences for the victim’s family (e.g., child will be taken away; family broken up)
- Potential effects on the child and family, such as being labeled a victim and perpetrator
Penalty for Failure to Report or False Reporting

- Misdemeanor in 1st degree
- If knowingly made false report, felony in 3rd degree
- **Change to law**: Now, a third degree felony for failure to report
Penalty for Failure to Report or False Reporting

Penalties for Failure to Report
(a) A fine of $1 million shall be assessed against a university in the event the Board determines that a university administrator knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to the Florida Department of Children and Family Services as set forth in paragraph (2)(a), or knowingly and willfully prevented another person from doing so.
(b) A fine of $1 million shall be assessed against a university in the event the Board determines that a university law enforcement agency knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to the Florida Department of Children and Family Services as set forth in paragraph (2)(b).

BOG regulation 3.002 implementing new Florida law (New 11-08-12)
BOG Regulation 3.002 defines administrator as:

High level personnel who have been assigned the responsibilities of university-wide academic or administrative functions:

• university president
• provost
• senior/executive vice presidents
• vice presidents
• associate vice presidents
• associate/vice provosts
• deans
• chief of police
• equal opportunity programs director
• intercollegiate athletics director
• internal audit director
• Title IX coordinator
• university compliance officer
Why You Should Report

- Mandated reporters who make good faith reports have the same immunity from liability under the law as non-mandated reporters.

- Rather than causing harm, the report may benefit all involved by treating an issue that might otherwise have been ignored.

- Family may receive much needed services.

- Most importantly, the abuse and harm can continue to the child if unreported. Failing to report child maltreatment is associated with greater risk of future child maltreatment.
What might have been prevented if....

- McQueary, who witnessed the rape of Victim 2, reported to police rather than going to Paterno...

- If Paterno had made a report rather than going to Curley (Assistant Director)...

- If Curley had made a report instead of going to Sr. Vice President for Finance and Business Schultz...

- If Schultz had made a report instead of going to University President Spanier...

- If Spanier had reported the abuse...

- Many other victims could have been spared.
Diffusion of Responsibility with Abuse Reporting

Eye witness sees abuse of Victim 2; reports to Paterno
Paterno does not report; goes to Curley with some details of incident
Curley does not report; goes to Schultz with even fewer details
Schultz does not report; goes to Spanier with little information
Spanier does not report; abuse continues

Paterno does not report; goes to Curley with some details of incident
Curley does not report; goes to Schultz with even fewer details
Schultz does not report; goes to Spanier with little information
Spanier does not report; abuse continues

Eye witness sees abuse of Victim 2; reports to Paterno
What can you do at FIU

- Zero tolerance for all types of abuse. Have a commitment to child safety. Children are valued, feel cared for, safe. “Child-Safe Zone”

- All staff/volunteers carefully screened and selected, supervised, and educated about CSA

- Establish a Child Protection Policy for your division if you work directly with children
Staff Education

- Adult education is the cornerstone of any child sexual abuse prevention plan
- Gives staff a heightened awareness of an organization’s commitment to and intolerance of inappropriate behavior
- Aim: give individuals information and skills to help them prevent and respond to abuse
- Ongoing, required of all staff/volunteers
- Mandatory training in programs that are training mandated reporters
http://childabuse.fiu.edu
Ensuring Safe Environments

- Any high-risk situations?
- Closed-door policy?
- Policy for supervising during activities like toileting, showering, changing clothes?
- Parent visitation policy?
- Off-site activity guidelines?
- Transportation policy?
Recruitment, Selection, Screening

• Ideal recruitment process—attract the best staff and volunteers, deter/eliminate people who are unsuitable or who wish to sexually abuse children. People who want to sexually offend against children are attracted to organizations who do little or no screening, and provide opportunities to be left alone with children.

• Elements of effective screening?

• What kind of supervision do you prefer?

• Why do you want the job?

• What age/sex of youth do you want to work with?

• What would you do if..?

• What hobbies or activities do you enjoy?
Questions?
Desire further training?

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