

SAFETY



**Policy for the
Identification
and Reporting of
Child Victimization**



The Legal Standard for Reporting

The Administration for Children and Families estimates that each year 900,000 children in the 50 States, the District of Columbia, and Puerto Rico will be determined to be victims of abuse or neglect. An estimated 1,500 children will die as the result of child abuse or neglect. More than one-half of all reports of alleged child abuse or neglect will be made by professionals. They include educators, police and lawyers, and social services staff. Professionals working in disciplines that serve children not only have a professional and ethical responsibility to report suspected child abuse or neglect they have a legal duty/obligation as well.

The Legal Standard For Reporting Suspected Child Abuse or Neglect

The legal definitions and the applicable DC Code are part of or are appended to this policy statement.

District of Columbia law requires that mandated reporters must file a report when one knows or has reasonable cause to suspect that a child known to him or her in his or her official capacity has been or is in danger of being abused or neglected.

Included in the attached policy is a description of certain signs of abuse and neglect. However please keep in mind that you are not required to determine whether abuse or neglect has actually occurred. The DC Child and Family Services Agency (CFSA) and or the Metropolitan Police Department are responsible for investigating reports of abuse and neglect and for determining how a case will be resolved. This does not always involve removal of children or the arrest of the suspects.

You must make a report whenever you suspect that abuse or neglect may have occurred or that a child is in danger of being abused or neglected.

Liability For Failure To Report

If you fail to file a report of suspected abuse or neglect, you will be subject to criminal liability. You shall be fined up to \$300.00 or receive up to 90 ninety days in jail or both.

For those that who report to their supervisor, notifying your supervisor or other agency administrator DOES NOT satisfy your legal obligation to file a report pursuant to D.C. Code § 4-1321.02

You CANNOT Be Punished For Filing A Report

Any person, hospital or institution that makes a report in good faith, shall have immunity from civil or criminal liability. This immunity extends to any judicial proceeding emanating from the report. When you file a report, you are presumed to have acted in good faith.

Further you cannot be dismissed or otherwise penalized within your agency for making a report required by the mandated reporter law or for cooperating in an investigation.

Confidentiality

Although required to provide your name, occupation and contact information when you file a mandated report, this information will not be released to the alleged perpetrator unless you give permission. Your identity may be disclosed to a child protection agency or a law enforcement agency that is investigating the alleged abuse or neglect. Any concern that a parent may discern your identity does not discharge your obligation to file a report.

There Are No Excuses For Failing To Report

You may believe that filing a report will not lead to any benefit to the child involved. You may believe that filing a report may actually place the child at an increased risk of abuse or neglect. You may feel uncertain that abuse or neglect has actually occurred. Such concerns of any nature do not discharge your legal obligation to file a report. Such concerns will not protect you from liability for failing to report. Furthermore, protection of children is the primary objective of these reporting requirements. As professionals working in disciplines that interact with, and serve children we have an obligation to assist in their wellbeing.



Policy for the Identification and Reporting of Child Victimization

Child serving agencies in the District of Columbia envision the day when all children in the District of Columbia are safe and healthy. It is the responsibility of the community and mandated reporters to support families and ensure their needs are met so that children are safe in their homes and community.

The intent of this policy is to provide consistency in the identification and reporting of child victimization in an effort to help identify all children who have experienced violence. Its intent is to also ensure in cases of child victimization that mandated reporters are aware of their responsibility to report suspected child victimization and to provide resources to strengthen families so they are able to ensure the safety of their children. Mandated reporters serve a pivotal role in the identification and reporting of child victimization, and they are often the child's first contact after victimization has occurred. Mandated reporters have great diversity in the services they provide and the professional ethics that guide their practice. Maintaining clear policies will assist the mandated reporter in meeting their reporting responsibilities.

The mandated reporter is required by law to make a report if the reporter observes or has knowledge of an incident that reasonably appears to be abuse/neglect, the reporter is told of an incident by the victim or the reporter reasonably suspects abuse/neglect.

District of Columbia Law requires that certain types of child victimization, such as physical abuse, sexual abuse, emotional abuse, and neglect be reported. A complete list of reportable offenses is provided in this policy. Although not required by law the mandated reporter is encouraged to seek the assistance of Child and Family Services Agency (CFSA) when other forms of victimization such as those defined below are noted. CFSA can direct the mandated reporter to resources that can be of benefit to the child and family.

What constitutes child abuse or neglect?

The legal definitions of child abuse and neglect are set forth below. At times it may be a challenge to translate and apply the legal definitions and standards to a particular circumstance. Most importantly keep in mind that the mandated reporter is not required to determine whether these standards are met in their case. If the mandated reporter in good faith believes that the circumstances in their situation may constitute abuse or neglect, then they must file a report with CFSA.

The following list of common indicators of abuse and neglect is not exhaustive. Use common sense, and always err on the side of caution by filing a report when in doubt.





The Following are all required to be reported to CFSA

Physical abuse: Harm or threatened harm to a child through non-accidental injury (as defined in the criminal codes found in the glossary of terms).

Common physical indicators of physical abuse

- Questionable, recurring bruises and/or welts on various parts of the body or in various stages of healing
- Bite marks
- Unexplained fractures, lacerations or abrasions

Common behavioral indicators of physical abuse

- Disclosure of physical abuse by the child
- Withdrawn and aggressive behavioral extremes
- Self destructive
- Chronically runs away
- Complains of soreness or moves uncomfortably
- Wears clothing to cover body inappropriate to weather

Physical assault: Any physical contact with another person without their consent.

Sexual abuse: Engaging in sexual contact or sexual penetration with a child (as defined in the criminal codes found in the glossary of terms).

Sexual exploitation: Allowing, permitting, or encouraging a child to engage in prostitution or to be depicted in a sexual act (as defined in the criminal codes found in the glossary of terms).

Common physical indicators of sexual abuse and sexual exploitation

- Age-inappropriate knowledge of sexual behavior
- Sexually explicit drawings and behavior
- Unexplained itching, pain, bruising or bleeding in the genital area
- Age-inappropriate seductive behavior
- Sexually transmitted infections
- Recent onset of wetting and/or soiling

Common behavioral indicators of sexual abuse

- Disclosure of sexual abuse by the child
- Withdrawal, chronic depression
- Poor self-esteem, lack of confidence
- Peer problems, lack of involvement
- Massive weight change
- Eating disorder
- Sudden school difficulties
- Exhibitionism

Sexual assault: Illegal sexual contact that usually involves force upon a person without consent or is inflicted upon a person who is incapable of giving consent (because of age or physical or mental incapacity).



Neglect: Harm or threatened harm to a child’s health or welfare due to failure to provide adequate food, shelter, clothing, or medical care (as defined in the criminal codes found in the glossary of terms).

Common physical indicators of neglect

- Abandonment
- Unattended medical needs
- Consistent lack of supervision
- Persistent hunger
- Inappropriate dress
- Poor hygiene

Common behavioral indicators of neglect

- Regularly displays fatigue or listlessness, falls asleep in class
- Steals food, begs from classmates
- On going lack of supervision

Educational neglect: Includes the allowance of chronic truancy, failure to enroll a child of mandatory school age in school, and failure to attend to a special educational need.

Emotional abuse: Acts or omissions by the parent or other caregivers that have caused or could cause serious, cognitive, emotional or mental behaviors.

Common indicators of emotional abuse

- Physical, mental and emotional developmental delays
- Unexplained speech disorders
- Continual self-deprecation (I’m stupid, ugly, worthless)
- Extreme fear of any new situation
- Extremes of passivity or aggression
- Overreaction to mistakes

Domestic Violence Exposure: It is estimated that exposure to domestic violence is a social problem that affects every segment of the population. Children exposed to such violence are believed to also be victims of abuse or neglect. The overall effect tends to impact self-esteem, well-being, safety and stability. The exposure to individuals’ inability to cope with or resolve conflict without physical, mental or emotional abuse becomes a significant implication for the potential to mimic those behaviors and attitudes.



Reporting and Documenting

What are some non-reportable offenses that reporters should nevertheless address when observed?

Bullying: inappropriate behavior which intimidates, offends, degrades, insults or humiliates a person, possibly in front of others; these actions can be physical and/or psychological

Teen Dating Violence: A pattern of behavior where a person uses threats of or actual physical abuse, sexual abuse, verbal or emotional abuse to control his or her partner and one or both of the partners is an adolescent

Witness to Community Violence: Community violence refers to exposure, as a witness or through actual experience, to acts of interpersonal violence perpetrated by individuals who are not intimately related to the victim.

Reporting

In addition to knowing and complying with DC law as described in this document, you should also be aware of and follow your agency's procedure for reporting any suspicion of abuse or neglect.

The mandated reporter who believes he/she has reasonable and probable grounds to believe that a child requires protective services is obligated by law to report to;

- a. The Child Protective Services Division of the Child and Family Services Agency (CFSA), via the CFSA twenty-four (24) hour Child Abuse and Neglect Hotline 202-671-SAFE (7233) or; if the maltreatment occurred in a jurisdiction other than DC, call the National Child Abuse hotline at 1-800-4-A-Child.
- b. The Metropolitan Police Department (MPD) if a crime is in progress by calling 911.

Be prepared to provide, if known, the following information when making a report:

- Child's full name, date of birth and current address and the address where the alleged incident happened if different.
- Parent's or guardian's full name
- If the alleged perpetrators lives with child
- Alleged perpetrators full name. If known, provide the relationship of the perpetrator to the child
- Statements of the child's disclosure and context of the disclosure (if a disclosure was made)
- Why you think the child is being abused, neglected, maltreated
- The identification and occupation of the person who suspects child abuse and a statement of the actions taken by that person and other staff concerning the child.





Documentation

Thorough and precise documentation is necessary in all matters of suspected abuse or neglect. The mandated reporter may be required to give evidence in a court of law at a later date.

A disclosure made by a child should be documented as accurately as possible.

Do

- write exactly what was observed or said
- note the date and time
- sign all records

Do not

- express an opinion about what was observed or said
- interpret what was observed or said
- use emotive terms

If a child or young person tells a member of the staff something in the presence of another member of the staff, it is important that both people sign the record as a true account of what was said.

The mandated reporter, upon receiving a child's disclosure, should maintain support of the child but should refrain from interviewing the child about the alleged abuse. A report to CFSA should occur immediately.

Unless contradicted (parent/guardian is alleged perpetrator) in an individual case, parents/guardians should be informed of the report of suspected abuse made to CFSA.



Confidentiality

The responsibility to report suspected child maltreatment outweighs any confidentiality requirements.

CFSA is required by law not to disclose the name of reporters to the family. However, this confidentiality does not apply to the Metropolitan Police Department. Additionally, as a reporter of child abuse or neglect, you may be called to testify at a civil or criminal hearing related to your report at which time the parents or other family members may be present.

All documentation generated as a result of a child maltreatment investigation will be stored securely to maintain confidentiality.



Glossary of Terms and Codes

Abused Child: According to DC code sec. 16-2301 (23) the term “abused”, when used in reference to a child, means: (i) infliction of physical or mental injury upon a child; (ii) sexual abuse or exploitation of a child; or (iii) negligent treatment or maltreatment of a child. The term “abused”, when used in reference to a child, does not include discipline administered by a parent, guardian or custodian to his or her child; provided, that the discipline is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

Caretaker: One that is employed to look after or take charge of children.

Child: A person under the age of 18 years.

Child and Family Services Agency: The D.C. Child and Family Services Agency (CFSA) investigates reports of child abuse and neglect, and provides child protection. Services include foster care, adoption, and supportive community-based services to enhance the safety, permanence, and well-being of abused, neglected, and at-risk children and their families in the District of Columbia. CFSA seeks to achieve the highest quality of community-based services, to increase the number of families who receive community-based preventive and support services, and to expand the network of resources providing services to at-risk children and their families.

Child Victimization: A child who experiences physical violence, sexual violence or inappropriate exposure, emotional abuse, neglect, witness to domestic violence or other violent crimes, or human trafficking.

Custodian: (DC code, 2001 ed., 16-2301, (12) A-C)
A person or agency, other than a parent or legal guardian:


- a. to whom the legal custody of a child has been granted by the order of a court or;
- b. who is acting in loco parentis
- c. who is a daycare provider or an employee of a residential facility, in the case of the placement of an abused or neglected child

DC Metropolitan Police Department Youth Division: The Metropolitan Police Department, Youth Investigations Division (YID), is a Division under the Investigative Services Bureau, primarily responsible for investigating child maltreatment and juvenile missing persons, as well juvenile processing.

Domestic Violence: the physical, sexual, and/or psychological abuse to an individual perpetrated by a current or former intimate partner

In Loco Parentis: Latin for “in the place of a parent”, refers to a person who puts himself/herself in the situation of a parent by assuming some of the functions and responsibilities of a parent but who does not have legal custody.

Mandated Reporter: According to DC code sec 4-1321.02 a mandated reporter is a person required by law to report any case of suspected child abuse or neglect to the Child and Family Services Agency or the Metropolitan Police Department. Such persons include, school personnel, healthcare and mental health providers, social workers, daycare providers, Department of Parks and Recreation employees and law enforcement officers.



Witness to domestic violence: A child's seeing, hearing, or living with the aftermath of domestic violence, including becoming homeless, leaving home, or suffering the psychological effects of a parent's injury.

Witness to community violence: Community violence refers to exposure, as a witness or through actual experience, to acts of interpersonal violence perpetrated by individuals who are not intimately related to the victim.

Physical abuse DC codes

In the District of Columbia, criminal physical abuse of a child encompasses intentionally or recklessly beating a child under 18 years of age, or engaging in conduct which creates a grave risk of bodily injury to a child. It is not necessary that the actions result in bodily injury to the child for a crime to be committed, however, if bodily injury does result, the possible criminal penalties are greater. The law does allow a parent or someone acting in the place of a parent to physically discipline a child, however, the use of physical discipline must be **reasonable**, in light of the child's age, health and development, the kind of punishment used, and the nature of the alleged misconduct.

§22-1101(a) First Degree Cruelty to Children

A person commits the crime of first degree cruelty to children if that person intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.

§22-1101(b) Second Degree Cruelty to Children

A person commits the crime of second degree cruelty to children if that person intentionally, knowingly, or recklessly: (1) maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or (2) exposes a child, or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.

Sexual abuse DC codes

§22-3008 First degree child sexual abuse

Whoever, being at least 4 years older than a child, engages in a sexual act with that child or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life and, in addition, may be fined an amount not to exceed \$ 250,000. However, the court may impose a prison sentence in excess of 30 years only in accordance with § 22-3020 or § 24-403.01(b-2). For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), the offense is a Class A felony.

§22-3009 Second degree child sexual abuse

Whoever, being at least 4 years older than a child, engages in sexual contact with that child or causes that child to engage in sexual contact shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$ 100,000.

§ 22-3009.01 First degree sexual abuse of a minor

Whoever, being 18 years of age or older, is in a significant relationship with a minor, and engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be imprisoned for not more than 15 years and may be fined in an amount not to exceed \$ 150,000, or both.

§ 22-3009.02 Second degree sexual abuse of a minor

Whoever, being 18 years of age or older, is in a significant relationship with a minor and engages in a sexual contact with that minor or causes that minor to engage in a sexual contact shall be imprisoned for not more than 7 1/2 years and may be fined in an amount not to exceed \$ 75,000, or both.

§22-3010 Enticing a child or minor

Whoever, being at least 4 years older than a child or being in a significant relationship with a minor, (1) takes that child or minor to any place for the purpose of committing any offense set forth in §§ 22-3008 to 22-3009.02, or (2) seduces, entices, allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed \$ 50,00 or both.

Whoever, being at least 4 years older than the purported age of a person who represents himself or herself to be a child, attempts (1) to seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child to engage in a sexual act or contact, or (2) to entice, allure, convince, or persuade any person who represents himself or herself to be a child to go to any place for the purpose of engaging in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed \$50,000 or both.

No person shall be consecutively sentenced for enticing a child or minor to engage in a sexual act or sexual contact under subsection (2) of this section and engaging in that sexual act or sexual contact with that child or minor; provided, that the enticement occurred closely associated in time with the sexual act or sexual contact.

§22-3010.01 Misdemeanor sexual abuse of a child or minor

Whoever, being 18 years of age or older and more than 4 years older than a child, or being 18 years of age or older and being in a significant relationship with a minor, engages in sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180 days, or fined in an amount not to exceed \$ 1,000, or both.

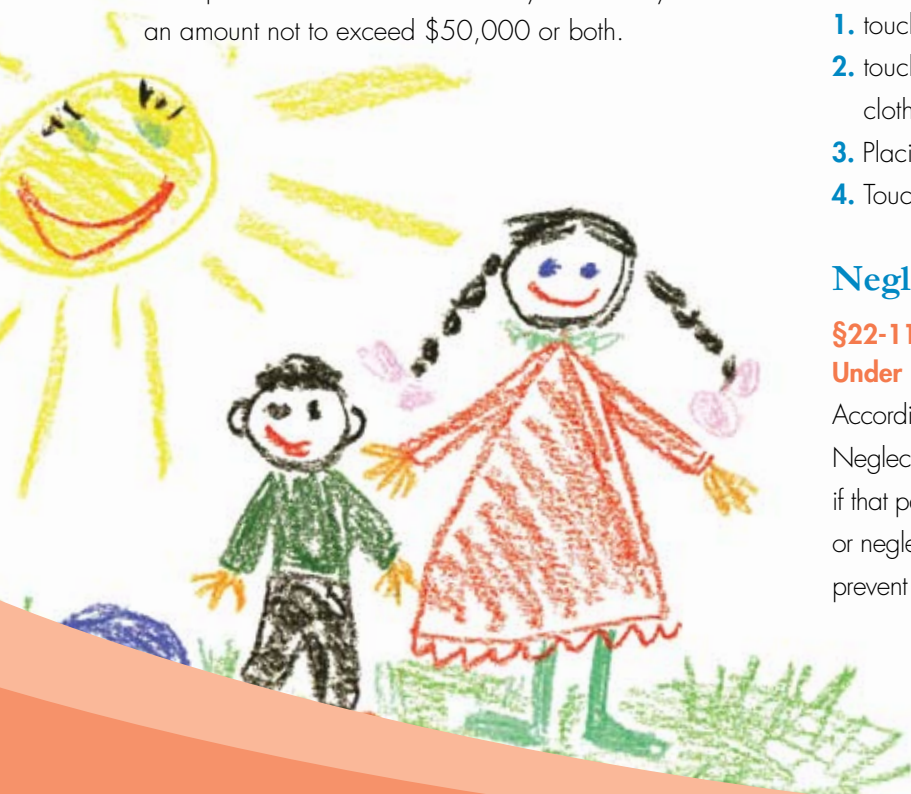
For the purposes of this section, the term "sexually suggestive conduct" means engaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:

1. touching a child or minor inside his or her clothing,
2. touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks
3. Placing one's tongue in the mouth of the child or minor or;
4. Touching one's own genitalia or that of a third person

Neglect DC Codes

§22-1102 Refusal or Neglect to Provide For a Child Under 14 Years of Age

According to, a person commits the crime of Refusal or Neglect to Provide for a Child under 14 Years of Age if that parent or guardian, of sufficient financial ability, refuses or neglects to provide such food, clothing, and shelter as will prevent the suffering and secure the safety of such child.





Neglected child: (DC code 2001, ed, 16-2301, 9, A-G)
A child under the age of 18

- i. who has been abandoned or abused by his or her parent, guardian, or custodian, or whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child. For purposes of this subparagraph, the term “reasonable efforts” includes filing a petition for civil protection from intra-family violence pursuant to section 16-1003;
- ii. who is without proper parental care or control, subsistence, education as required by law, or other care necessary for his or her physical, mental or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian;
- iii. whose parent, guardian, or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;
- iv. whose parent, guardian, or custodian refuses or is unable to assume the responsibility for the child’s care, control, or subsistence and the person or institution which is providing for the child states an intention to discontinue such care;
- v. who is in imminent danger of being abused and another child living in the same household or under the care of the same parent, guardian, or custodian has been abused;
- vi. who has received negligent treatment or maltreatment from his or her parent, guardian, or custodian;
- vii. who has resided in a hospital in the District of Columbia for at least 10 calendar days following the birth of the child, despite a medical determination that the child is ready for discharge from the hospital, and the parent, guardian, or custodian of the child has not taken any action or made any effort to maintain a parental, guardianship, or custodial relationship or contact with the child.
- viii. who is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth;
- ix. in whose body there is a controlled substance as a direct and foreseeable consequence of the acts or omissions of the child’s parent,
- x. who is regularly exposed to illegal drug-related activity in the home.

Additionally, in the District of Columbia, it is a crime for a parent or guardian of sufficient financial ability to refuse or neglect to provide food, clothing, or shelter to a child under 14 years of age, to the extent that it will prevent the suffering of, and secure the safety of, that child.



Resources

Telephone numbers for reporting child abuse:

Washington, DC: 202-671-SAFE (202-671-7233)
National Child Abuse Hot line: 800-422-4453

Center for Child Protection

www.stopchildabuse.org

Freddie Mac Foundation Child and Adolescent Protection Center at Children's National Medical Center

111 Michigan Ave, NW Washington, DC 20010
202-476-4100 • www.dcchildrens.org

Child Welfare Information Gateway

www.childwelfare.gov

Children's Defense Fund

202-628-8787 • www.childrensdefense.com

DC Child and Family Services Agency: Child Protective Services

www.cfsa.dc.gov

American Professional Society on the Abuse of Children

www.apsac.org

International Society for Prevention of Child Abuse and Neglect

www.ispcan.org

Safe Shores, the DC Children's Advocacy Center

300 E St, NW Washington, DC 20001
202-638-2575 • www.safeshores.org

Parents Anonymous

909-621-6184 • www.parentsanonymous.org

Stop Bullying Now

www.stopbullyingnow.hrsa.gov

Youth Investigations Branch of the Metropolitan Police Department

202-576-6769 • www.mpdc.dc.gov

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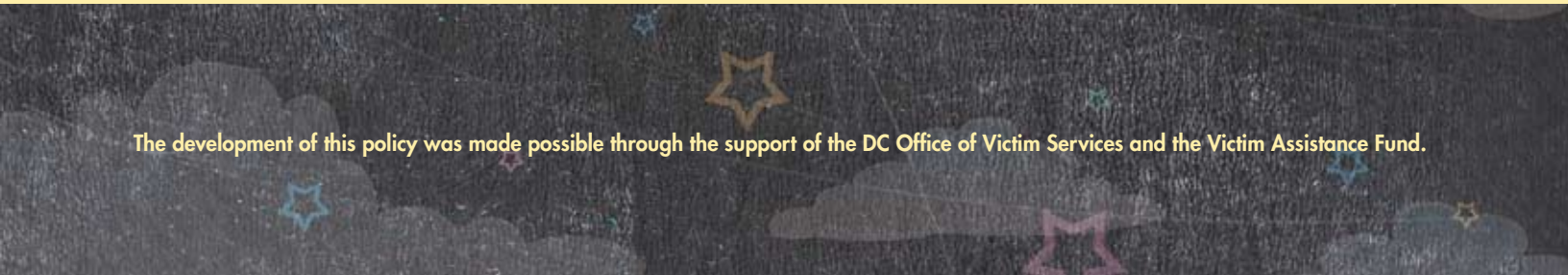
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